

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1422 OF 2003
ALLAHABAD THIS THE 19TH DAY OF NOVEMBER, 2003

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Moti Lal Singh,
son of Late Hardayal Singh,
resident of Railway Quarter No.442/AB,
Indian Institute Colony,
Mughalsarai, District-Chandauli,
posted as Senior Clerk under Senior Divisional
Operating Manager, (Sr.D.O.M.),
East Central Railway,
Mughalsarai.Applicant

(By Advocate Shri V.K. Srivastava)

Versus

1. Union of India,
through its General Manager,
East Central Railway,
Hazipur.
2. Chief Personnel Officer,
East Central Railway,
Hazipur.
3. Divisional Rail Manager,
East Central Railway,
Mughalsarai.
4. Senior Divisional Operating Manager,
East Central Railway,
Mughalsarai.
5. Senior Divisional Personnel Officer,
East Central Railway,
Mughalsarai.Respondents
(By Advocate Sri K.P. Singh)


O R D E R

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

In this O.A. filed under section 19 of Administrative Tribunals Act, 1985, the applicant has prayed for quashing the impugned order dated 14/19.12.2001 passed by General Manager East Central Railway, ^h transfer order dated 01.10.2001 transferring the applicant from Mughalsarai to Asansole^h and order dated 20.10.2003 by which the applicant has been ordered to be spared from Mughalsarai to join at Asansole^h.

2. The facts, in short, of the case are that he was initially appointed in the respondent's establishment as Clerk Grade-I. The applicant was placed under suspension on 19.05.2000. The suspension was revoked on 27.07.2000. The applicant was served with major penalty chargesheet on 05.12.2000. The Enquiry Officer was appointed by order dated 07.03.2001 and the disciplinary case against the applicant is still pending. Aggrieved by the impugned transfer order dated 01.10.2001 the applicant filed O.A. No.1406/01 which was dismissed by order dated 15.09.2003 (Annexure A-16). Before filing O.A. No.1406/01 the applicant filed O.A. No.1190/01 which was finally disposed of by order dated 15.10.2001 granting liberty to the applicant to make representation before the General Manager, Eastern Railway which was ^{to be} considered and decided by a reasoned order within one month by the General Manager, Eastern Railway.

3. The grievance of the applicant is that the disciplinary proceedings against the applicant are still pending and yet the spare order has been issued on 20.10.2003 which has been impugned, ^h this Tribunal in the last para of the order dated 15.09.2003 passed in O.A. No.1406/01 granted the liberty to



the applicant to challenge the order dated 19.12.2001 in fresh O.A. hence this O.A.

4. Heard the counsel for the parties ^{h g h} at length and we are of the view that this O.A. can be decided at the admission stage itself by issuing suitable direction to the respondents. We have perused the impugned order dated 19.12.2001 passed by the General Manager, Eastern Railway on the representation dated 16.10.2001 of the applicant. It is a detailed order in which the various points raised by the applicant have been considered and thereafter the representation has been disposed of. It has been observed in para 1.6 by the General Manager that the applicant has been transferred from Mughalsarai to Asansol^h only to guard against any possible tampering of evidence. It has also been stated in the same para that the matter regarding the re-transfer of the applicant to Mughalsarai will be considered only after the applicant has reported at Asansol^h. We have also perused the order dated 20.10.2003 which has been passed after the final decision of this Tribunal in O.A. No.1406/01.

5. We do not find any good ground for interference in both the impugned orders i.e. order dated 19.12.2001 passed by General Manager, Eastern Railway and also the order dated 20.10.2003 passed by Senior Divisional Operating Manager, Mughalsarai.


6. However, we would like to observe that the respondents have to take care of the interest of the applicant as well. The disciplinary case against the applicant is pending since December 2000. It has been stated by the counsel for the parties that the enquiry is yet to be completed.

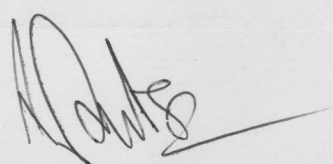
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7. In our opinion, the enquiry as well as the disciplinary proceedings ^{should be} ~~will~~ be completed expeditiously to allay the anxiety of the applicant.

8. In the facts and circumstances and our aforesaid discussions we disposed ^{of} of this O.A. with direction to the disciplinary authority to complete the disciplinary proceedings within a period of four months positively. If required the sitting for completing the enquiry shall be done on day today basis. We also direct the applicant to cooperate in completion of the enquiry by not seeking adjournments. The O.A. stands disposed of at the admission stage itself with above direction.

9. There shall be no order as to costs.


Member J


Member-A

/Neelam/