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OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 9TH DAY OF FEBRUARY, 2012)

Present

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

HON'BLE MR. B. K. SINHA, MEMBER (A)

Original Application No.1251 OF 2007

(U/S 19, Administrative Tribunal Act, 1985)

R.R. Pippal, aged about 62 years,

Son of Late Sri Chirmoli Ram,

R/o-Near Bus Stand, Radha Nivas, Vrindavan,

District-Mathura.

.....Applicant

V E R S U S

1. Union of India through The General Manager, North Eastern Railway, Headquarters Office, Gorakhpur.
2. The General Manager, North Eastern Railway, Headquarters Office, Gorakhpur.
3. The Divisional Railway Manager, North Eastern Railway, Izzatnagar, Bareilly.
4. The Senior Divisional Operating Manager, North Eastern Railway, D.R.M. Office, Izzatnagar, Bareilly (The Disciplinary Authority).
5. The Divisional Operating Manager, North Eastern Railway, D.R.M. Office, Izzatnagar, Bareilly.
6. Shri K.S. Sonal, Assistant Commercial Manager-I, North Eastern Railway, Izzatnagar, Bareilly. (The Enquiry Officer).

.....Respondents

Advocate for the Applicant :- Shri S.S. Sharma
Advocate for the Respondents :- Shri B. Tiwari
Shri P.N. Rai

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ORDER

(DELIVERED BY MR. SANJEEV KAUSHIK, MEMBER (J))

Shri S.S. Sharma, learned counsel for the applicant. Shri B. Tiwari and Shri P.N. Rai, learned counsel for the respondents.

2. By way of the instant original application filed under section 19 of Administrative Tribunal's Act, 1985 the applicant impugned the order dated 28.2.2007 initiating the departmental proceedings against the applicant. The order dated 28.2.2007 was ordered to be kept in abeyance vide order dated 16.1.2008. Shri B. Tiwari who is appearing on behalf of respondents fairly submitted that during the pendency of the Original application the respondents i.e. General Manager has already passed an order on 3.4.2007 which to his mind is not speaking, therefore, he fairly submitted that the order be quashed and liberty be given to the respondents to pass fresh order in accordance with law. Shri Sharma, learned counsel for the applicant on the other hand submitted that the applicant had already retired and no ~~retiral~~ ^{retiral} benefits have been paid to him. The applicant also suffers from Heart disease and not keeping good health.

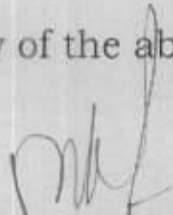

3. We have considered the rival submissions. The order dated 3.4.2007 passed by the General Manager as agreed by the respondents are hereby quashed. The matter is remit back

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to the respondents to complete the disciplinary proceedings if they propose to initiate against the applicant within a period of six weeks from the date of receipt of a certified copy of this order. Needless to say that the principles of natural justice be observed. The applicant is also at liberty to move an application for release of ^{retiral} ~~retiral~~ benefits. If such application is moved then the same be decided by the competent authority according to law within a period of fifteen days.

4. In view of the above, the OA stands disposed of. No Costs.


Member-A
Member-J

/ns/