

(3)

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 13<sup>th</sup> day of February, 2007.

**ORIGINAL APPLICATION NO. 17 OF 2007**

**HON'BLE MR. JUSTICE KHEM KARAN, V.C  
HON'BLE MR. K.S. MENON, MEMBER- A.**

Vijay Kumar Srivastava, a/ a 47 years,  
S/o Late Suresh Kumar Srivastava, Posted as  
Commercial Superintendent at Northern Railway, Gorakhpur.

.....Applicant.

**VER S U S**

1. Union of India through the General Manager,  
North Eastern Railway, Rail Bhawan, New Delhi.
2. The Divisional Railway Manager (Commercial),  
N.E. Rly., Lucknow.
3. D.C.M, North Eastern Railway,  
Divisional Office (C), Lucknow.
4. Enquiry Officer, G.M. Office (Vigilance),  
Enquiry Department, Gorakhpur.

.....Respondents

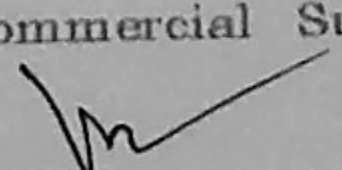
Counsel for the Applicant:  
Counsel for the Respondents:

Sri R.C. Maurya  
Sri

**ORDER**

**BY HON'BLE JUSTICE KHEM KARAN, VC.**

The applicant has prayed for quashing the order dated 30.11.2006 and 22/21.12.2006 (Annexure- 4) passed by the respondent Nos. 3 and 4 respectively and for commanding them not the interfere in his working as Commercial Superintendent at

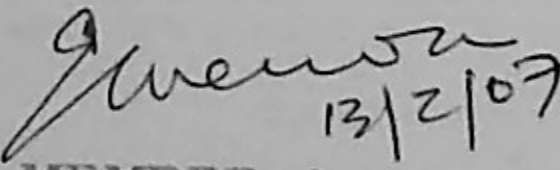


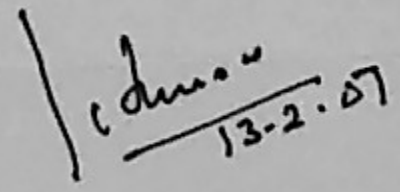


Gorakhpur Jn. Railway Station and pay his salary etc admissible under the rules.

2. The order dated 30.11.2006 appears to be an order passed by the Divisional Commercial Manager, Gorakhpur Jn appointing Sri Amiya Raman as Enquiry Officer to hold enquiry in to the charges, framed against the applicant and order dated 20/21.12.2006 is the notice issued by the Enquiry Officer asking the applicant to appear on 04.01.2007 and participate in the enquiry. The enquiry appears to be formal one under the rules of 1968. What the applicant alleges is that the enquiry is actuated by malice as the applicant has moved an application under section 156 (3) CPC for lodging FIR against Sri Neeraj Kumar. He has also referred to the transfer order against which he filed another O.A, in which certain orders were passed on 24.07.2006. Copies of those order is annexed as Annexure- 3 to the O.A.

3. The learned counsel for the applicant has failed to explain the grounds on which he is challenging the two order dated 30.11.2006 and 20/21.12.2006. There is nothing against the disciplinary authority or against the Enquiry Officer . During the Course of arguments, learned counsel for the applicant tried to show that now Sri Neeraj Kumar has been appointed as Enquiry Officer, against whom the applicant has lodged the FIR, a copy of which is at page 26 of O.A. In case the applicant has any grievance against the Enquiry Officer i.e. Sri Neeraj Kumar, he should approach the Disciplinary Authority for that purpose. There are no good grounds for admitting this O.A and is dismissed at the admission stage itself with no order as to costs.

  
13/2/07  
MEMBER- A.

  
13-2-07  
VICE-CHAIRMAN.

/Anand/

(OPEN COURT)