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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 239 OF 1999 .

Cuttack, this the 7th day of November, 2000.

Kalidas Neogi and others. Applicants

Vrs.

Union of India & Others. Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? Yes ,
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No .

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

Somnath Som
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 239 OF 1999.
Cuttack, this the 7th day of November, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

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1. Kali Das Neogi,
S/o.B.P.Neogi,
Quarter No.C/45,
At/Po:Bandamunda,
Dist:Sundergarh.
2. Rajiv Maharan,
S/o.Biswaranjan Maharan,
A permanent resident of
Village-Purnabasti, Po:Chakradharpur,
Dist:Singhbhum, Bihar.
3. N.J.Rao,
S/o.N. V. Rao,
Quarter No.A/61
At/Po:Bandamunda,
Dist: Sundergarh.
4. B.Malleswar Rao,
S/o.Late B.Lachanna,
D/Market, House No.175,
At/Po:Bandamunda,
Dist:Sundergarh.
5. L.Malaiah,
S/o.L.Sita Rao,
Quarter No.61/B, At/Po:Bandamunda,
District-Sundergarh.
6. Prabir Chakraborty,
S/o. Paresh Chakraborty,
Quarter No.292/D,
At/Po:Bandamunda,
District-Sundergarh.
7. Ramjee Singh,
S/o.B.Singh,
Quarter No.69/C,
At/Po:Bandamunda,
Dist:Sundergarh.

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8. B. Gopi,
S/o. Late B. Lachanna,
A permanent resident of
D/Cabin/Jupri,
At/PO: Bandamunda,
Dist: Sundergarh.
9. Gurua Burd,
S/o. Late Langar Burd,
Ex/Yard/Jupri,
At/PO: Bandamunda,
District-Sundergarh.
10. Binod Kumar,
S/o. P. Mahato,
Sector-C/Jupri,
At/PO: Bandamunda,
Dist. Sundergarh.
11. Swapna Kumar Roy,
S/o. P. B. Roy,
Quarter No. A/373
At/PO: Bandamunda,
District-Sundergarh.
12. G. Venkateramana,
S/o. Late G. Chinna,
D/Cabin Road,
At/PO: Bandamunda,
District-Sundergarh.
13. J. Ranga Naidu @ J. R. Naidu,
S/o. J. T. Naidu,
A permanent resident of village/
Post: Karavanja,
District-Srikakulam,
Andhra Pradesh.
14. Susanta Kumar Ghosh & Susanta Ghosh,
S/o. Late P. K. Ghosh,
Quarter No. E/206,
At/PO: Bandamunda,
District Sundergarh.
15. B. Balaram Swamy,
S/o. B. J. Rao,
Quarter No. 175/D,
At/PO: Bandamunda,
District-Sundergarh.
16. Debasish Mitra,
S/o. Jyoti Kumar Mitra,
A permanent resident of quarter No. 119/B,
At/PO: Bandamunda,
District-Sundergarh.

17. G. Appadu,
S/o. G. Pentayya,
Sector-R-D, Main Road,
At/PO:Bandamunda,
District-Sundergarh.
18. Subhas Chandra Das,
S/o. Madhusudan Das,
Sector-C/134,
At/PO:Bandamunda,
District-Sundergarh.
19. A. A. Narasinh Rao,
S/o. A. J. Rao,
Quarter No.B/26,
At/PO:Bandamunda,
Dist:Sundergarh.
20. B. Ramachandra Rao,
S/o.B.Bhima Rao,
Quarter No.116/D,
At/PO:Bandamunda,
District-Sundergarh.
21. Tapas Sen Gupta @ T.Sen Gupta,
S/o. Arrobinda Sen Gupta,
A Permanent resident of
Quarter No. E/56,
At/PO:Bandamunda,
Dist:Sundergarh.
22. R. Venkateswar Rao @ R. V. Rao,
S/o. R. Rama Rao,
A permanent resident of
At/PO:D/Jupri, Bandamunda,
District-Sundergarh;
23. O. Madhava Rao @ O. M. Rao,
S/o.O.Kuna Rao,
At/PO:Qundicha Palli,
Sector-D, Bandamunda,
District-Sundergarh.
24. B. Lakeswar Rao,
S/o.B.Latchanna,
Quarter No.181/D,
At/PO:Bandamunda,
Dist:Sundergarh.
25. Y. Ajay Kumar,
S/o. Y. K. Rao,
Quarter No. C/227,
At/PO:Bandamunda,
District-Sundergarh.

26. Ujjal Bhattacharjee,
S/o. Purnimal Kumar Bhattacharjee,
A permanent resident of quarter No.C/131,

All are working as Substitute Token Porter,
At-Bandomunda Railway Station, At/PO: Bandamunda,
Dist: Sundargarh.

..... APPLICANTS.

By legal practitioner: M/s. S. Pali, M. K. Mallick, L. Lenka, Advocates.

-VERSUS-

1. Union of India represented through General Manager,
South Eastern Railway, Garden Reach, Calcutta ,
West Bengal.
2. Divisional Railway Manager,
South Eastern Railway,
At/PO: Chakradharpur,
District-Singhbhum, Bihar,
3. Area Railway Manager,
South Eastern Railway,
At/PO: Bandamunda,
Dist: Sundargarh, Orissa.
4. Senior Divisional Personnel Manager,
South Eastern Railway,
At/PO: Chakradharpur,
District-Singhbhum,
Bihar.
5. Divisional Operating Manager(Line)
South Eastern Railway,
At-Chakradharpur, PO: Chakradharpur,
Dist: Singhbhum,
Bihar.

..... RESPONDENTS.

By legal practitioner: Ms. C. Kasturi, Additional Standing Counsel.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN.

In this Original Application, 26 petitioners have prayed for quashing the chargesheet issued by the Respondents against the applicant. Second prayer is to regularise their services of seven of them in Class-III posts and to regularise the services of the rest of the applicants in Class IV posts of Token porter.

2. Respondents have filed counter opposing the prayers of the applicants. In this case, learned counsel for the Applicants had taken eleven months time for filing rejoinder but ultimately no rejoinder has been filed.

3. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. Earlier some of these petitioners have approached this Tribunal in Original Application No. 64 of 1994 praying for regularisation of their services under the Respondents some as Token Porter in Class IV and some as Trained Controlling Operators in Class III posts. That Original Application was disposed of in order dated 21st of April, 1998 with a direction to the Respondents that follow up action as a result of the vigilance enquiry against the applicants should be completed within a period of six months from the date of receipt of a copy of this order dated 21.4.1998. Subsequently in order dt. 7-4-1999 on M.A. No. 776/1998 time was further extended by 30 days from 7-4-1999. In the present O.A., applicants have stated that inspite of adequate time given to the Respondents to finalise the disciplinary proceedings against them and even after expiry of the extended time period fixed by this Tribunal

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disciplinary proceedings initiated against them have not been finalised and it is mainly on that ground they have prayed for quashing ^{of} the proceedings initiated against them and have also asked for consequent regularisation in service as mentioned earlier. By way of interim relief, they have prayed that the Disciplinary Proceedings should be stayed. In our order dated 25-5-1999, we had directed that the Disciplinary proceedings may be continued but no final order should be passed in the Disciplinary Proceedings without the leave of this Tribunal.

3. We have heard Madam C.Kasturi, learned Additional Standing Counsel appearing for the Respondents. On behalf of the learned counsel for the Applicant Mr.S.Palit, Mr.A.K. Mohana asked for an adjournment. For the reasons recorded in the order sheet, the prayer for an adjournment has been rejected. From the pleadings of the parties it appears that the sole ground on which the applicants have prayed for quashing of the Disciplinary proceedings is delay in finalisation of the said proceedings. They have enclosed to the petition against the charge-sheet ^{of} applicant No.1 at Annexure-3 and from the perusal of the charge we find that the charge is that he had produced false/forged service certificate for seeking employment of casual nature and subsequently on Vigilance enquiry, the service certificate was found false. Admitted similar position is that ^{of} the chargesheets have been issued against the other applicants. It is submitted by learned Additional Standing Counsel that in the meantime the Disciplinary proceedings initiated against the applicants have been finalised but because of the stay order of this Tribunal dated 25-5-1999, Respondents have not been able to pass the

final order. As the enquiry in the disciplinary proceedings have already been concluded the ground of delay is no longer relevant. In view of this, we direct the Departmental Respondents that they should pass final orders on the report of the enquiry within a period of 90 days from the date of receipt of a copy of this order or from the date of submission of the enquiry report whichever is later. In view of the above order, we hold that the applicants are not entitled to the first prayer made by them about the quashing of the chargesheet. The second prayer of the applicant is for regularisation. This also fails because the final orders are yet to be passed in the Disciplinary proceedings. In view of the above this prayer is accordingly rejected.

4. In the result, therefore, the Original Application is disposed of in terms of the observations and directions made above. No costs.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

KNM/QM.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
7/11/2000