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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH:CUTTACK.

ORIGINAL APPLICATION NO. 321 OF 2001  
Cuttack, this the 2<sup>nd</sup> day of August, 2004.

Pabitra Kumar Das.

....

Applicant.

-Vrs.-

Union of India & Ors.

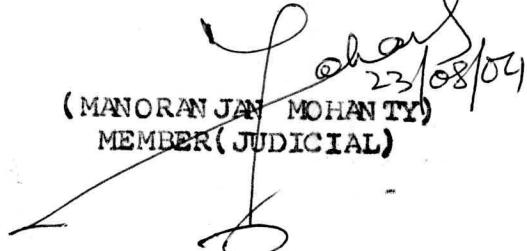
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Respondents.

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?

  
(B.N. SOM)  
VICE-CHAIRMAN

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

23/08/04

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 321 of 2001  
Cuttack, this the 23<sup>rd</sup> day of August, 2004

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C O R A M

THE HONOURABLE SRI B.N. SOM, VICE-CHAIRMAN  
A N D  
THE HON'BLE SRI M.R. MOHANTY, MEMBER (JUDL.)

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PABITRA KUMAR DAS,  
Aged about 40,  
Son of Muralidhar Das,  
Village-Sadangoy Paschim Bad,  
S/o. Sadangoy,  
PS-Delang,  
Dist. Puri-752 015,  
working as J.E. in C&W,  
Khurda Road, under Senior  
Supervising Eng.C&W, Khurda  
Road, PO: Jatni, Dist. Khurda.

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APPLICANT.

By legal practitioner: M/s. R.B. Mohapatra,  
M.M. Satpathy,  
R.N. Mohanty,  
S.K. Behera,  
Miss. R. Mishra,  
Advocates.

: Versus:

1. Union of India,  
represented by the General Manager,  
East Coast Railway,  
Rajdhawan, BDA,  
Rental Colony, PO: Railway  
Project Complex,  
Chandrasekharpur,  
Bhubaneswar-750021,  
Dist. Khurda.
2. Divisional Railway Manager,  
East Coast Railway,  
Khurda Road Division,  
At: Khurda Road,  
Po: Jatni,  
Dist. Khurda.
3. Divisional Mechanical Engineer,  
East Coast Railway,  
Khurda Division,  
At: Khurda Road,  
Po: Jatni,  
Dist: Khurda.



4. Senior Divisional Personnel Officer, Khurda Division, East Coast Railway, At: Khurda Road, PO: Jatni, Dist: Khurda.
5. Coaching Depot Officer, East Coast Rly., Puri Railway Station, At/Po/Dist: Puri.
6. Senior Section Officer (C&W), East Coast Railway, Puri, Po/Dist: Puri.

.... RESPONDENTS.

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O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

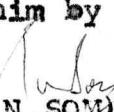
Applicant Sri Pabitra Kumar Das; while working as J.E. under the Senior Supervising Eng. (C&W) of Khurda Road Division of South Eastern Railway (now East Co. Railway) being stationed at Puri; faced an order of suspension under Annexure-A/2 dated 18.09.2000; Charge-sheeted in a Disciplinary proceedings under Annexure-A/11 dated 19/20.09.2000 and the suspension order in question was revoked under Annexure-A/5 dated 16.10.2000. He submitted a reply to the charge-sheet under Annexure-A/12 dated 12-12-2000; whereafter a Board of enquiry was constituted by appointing the Inquiring Officer under Annexure-A/13 dated 15/18-12-2000. At the said stage the Applicant has filed the present Original Application under section 19 of the Administrative Tribunals Act, 1985, on various grounds as set forth in paragraph 5 of the Original Application. In the present Original Application he has, virtually, prayed for quashing the charge-sheet drawn up

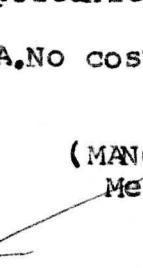
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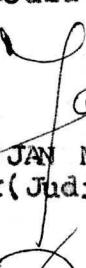
against him under Annexure-A/11 dated 19/20-09.2000.

2. The Respondents have also filed a counter in this case and the Applicant has also filed a rejoinder thereto.

3. Having heard the counsel for both parties, we are of the opinion, being fortified by the decisions of the Hon'ble Supreme Court of India rendered in the case of UNION OF INDIA AND OTHERS vs. UPENDRA SINGH(1994)27 Administrative Tribunals Cases 200); STATE OF UTTAR PRADESH vs. BRAHM DATT SHARMA AND ANOTHER- (AIR 1987 SC 943) and in the case of TRANSPORT COMMISSIONER, MADRAS vs. A. RADHA KRISHNA MOORTHY(1995 SCC (L&S)313; wherein Their Lordships of the Hon'ble Supreme Court have held that the truth and correctness of the charges was not a matter for the Tribunal to go into-more particularly, at a stage prior to the conclusion of the disciplinary proceedings) that this case is too premature to be examined by this Tribunal at the present juncture. In the aforesaid premises, this Original Application is disposed of being/ a premature one. Liberty, however, is given to the Applicant to establish his counter claim, as raised under Annexure-1, in course of the disciplinary proceedings; for which adequate opportunity should be given to him by the Respondents/I.O./D.A. No costs.

  
(B.N. SOM)  
Vice-Chairman

  
(MANORANJAN MOHANTY)  
Member (Judicial)

  
23/08/04