

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated : 11.4.05

Heard Mr. K.N.Jena, Ld. Counsel for the applicant and Mr. B.Pal, Sr. Counsel and Mr. R.C.Rath, Ld. Additional Standing Counsel for the Railways.

1. The applicant has filed this O.A. seeking the following relief:

(a) That the charge sheet No. SDCM/CON/Vig-12/2000/DAR-8452, dtd.14.3.2000 and the departmental proceeding initiated thereon may be quashed and/or direct the departmental proceeding be stayed and kept in abeyance till conclusion of trial in G.R. Case No. 2450 of 1999 pending before the learned SDJM, Bhubaneswar;

(b) any other relief this Hon'ble Tribunal may deem fit and proper.

2. A submission has been ^{made} brought out by filing a copy of the order passed by the Additional Sessions Judge, F.T.C.No.3, Bhubaneswar in which a criminal case was lodged against the applicant and was acquitted in absence of evidence. With this, the applicant's ^{prayer} in the present O.A. is ~~praying~~ for staying departmental proceedings and keeping ^{it} in abeyance till the criminal matter was in trial in G.R. Case No. 2050 of 1999 pending before the Ld. SDJM, Bhubaneswar. ~~But~~ it is no longer ^{of any relevance. It is thus infraction} relevant.

3. It is the case of the applicant that departmental proceedings if at all to be resumed should be held by holding sittings in the State of Orissa.

4. Having heard the Ld. Counsel for the applicant, we see no reason to restrict the sitting of the inquiring officer to any particular area. The department is at liberty

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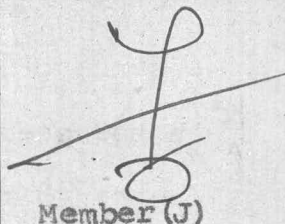
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to hold the sitting, ~~appointing an inquiring officer and inquiring officer to hold the sitting~~ strictly according to the rule^{made} in this regard, more importantly in accordance with the Railway Servants (A & A) Rules, 1968.

5. The ~~Ld. Additional~~ Standing Counsel, Mr. Rath submits that the applicant will be given all opportunities to defend his case.

6. In view of the above, we hold that the applicant should co-operate with the inquiring officer so that the enquiry could be completed sooner than latter. In any case, the Respondents are directed to complete the enquiry within a period of six months, giving full opportunity to the applicant to defend his case. With the

7. With the said order, this O.A. is disposed of. No costs.


Member (J)


Vice-Chairman 15/4

Copy of order dt. 11.4.05
issued to the Counsel
for both side.

13/4/05
S. G.

MP
13/4/05