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O.A. No. 574/10

ORDER DATED 28th OCTOBER, 2010

S.C. Dakua Applicant

Vrs.

Union of India & Others Respondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER(A)

Heard Sri. D.K. Mohanaty, Ld. Counsel appearing for the applicant and Sri S. K. Ojha, Ld. Standing Counsel for the Railways appearing on notice on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal's Act, 1985, with following prayer:-

- (a) To quash the Memorandum of charges vide Annexure-A/2 dt.12.04.01.
- (b) To pass any other order/orders as your Lordships think deem fit and proper."

3. There is also an interim prayer which seeks direction to the Respondents not to pass any order on the report of I.O. till disposal of the O.A.

4. However, Sri Mohanty, Ld. Counsel appearing for the applicant submits that he does not press for the relief sought in the present O.A. He further submits that after the copy of the I.O. report was received by the applicant, a reply has been submitted by the applicant on 22.04.2010 to the Disciplinary Authority, thereafter, no decision has been conveyed to him. In the above background, Sri Mohanty submits that he will be satisfied if the Respondents are directed to consider the reply submitted by the

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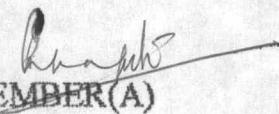
applicant to the I.O's report and take a decision within a reasonable time.

5. Accordingly as agreed to by the Ld. Counsel for the applicant and without going into the merit of the case Respondent No.2 is directed to take final decision to conclude the disciplinary proceedings after considering the inquiry report as well as the reply of the applicant to the said report within a period of three months from the date of receipt of copy of this order.

6. With the above observation and direction this O.A. is disposed of at the stage of admission itself. No costs.

7. Send copy of this order to the Respondent No.2 (together with the copy of this O.A) by Registered Post at the cost of the Applicant. Mr. Mohanty, Ld. Counsel appearing for the Applicant undertakes to deposit the required postages in course of the day.

8. Copy of this order be also sent to the Ld. Counsel appearing for the parties.



MEMBER(A)