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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No. 219 of 2013
Cuttack, this the 18th day of April, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

Pravakar Panda,
Aged about 38 years,
S/o.Late Laxmidhar Panda,
Vill/Po.Sunubarodi,
PS-Nimapada,
Dist.Puri,
Qr.No.90/A (Running Room Side)
PO/PS/Dist.Puri,Khalasi Helper (P),
Senior Section Engineer, Electrical, Puri. .

....Applicant

(Advocate(s): M/s.R.K.Samantsinghar,S.K.Roy,D.Paikray,S.K.Nayak-3)

VERSUS

Union of India Represented through

1. General Manager,
East Coast Railway,
2nd Floor,
South Block,
Rail Sadan,
Samanta Vihar,
Bhubaneswar,
PO/PS. Chandrasekharapur,
Dist.Khurda.

[Signature]

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2. The Divisional Railway Manager,
East Coast Railway,
Khurda Road Division,
At/Po/PS.Jatni,
Dist.Khurda.
3. The Senior Divisional Electrical Engineer (G),KUR,
East Coast Railway,
Khurda Road Division,
At/Po/PS.Jatni,
Dist.Khurda.
4. The Divisional Electrical Engineer (charge),
East Coast Railway,
Khurda Road Division,
At/Po/PS.Puri,
Dist.Puri.

.... Respondents

(Advocate(s) – Mr.T.Rath)

ORDER

(Oral)

A.K.PATNAIK, MEMBER (J):

The main grievance of the Applicant in this Original Application is that when charge levelled against the applicant in the charge sheet at Annexure-A/5 is under consideration before the competent court of law in the criminal case the Respondents should not have proceeded with departmentally by issuing

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charge sheet under Annexure-A/1 and thereby appointing IO at Annexure-A/5 to proceed with the enquiry.

2. Further case of the Applicant is that the DA vide charge sheet at Annexure-A/1 allowed the applicant ten days time to submit his reply but as the applicant met with an accident and bedridden he could not submit his reply on time. However, he submitted his reply to the Annexure-A/1 2.11.2012. But the DA without the reply of the applicant or taking into consideration the reply submitted by him appointed IO to enquire into the charge levelled against him. According to the Applicant the procedure adopted by the Respondents is contrary to Rule and various judge made laws on the subject.

3. We have heard Mr.R.K.Samantsinghar, Learned Counsel for the Applicant and Mr.T.Rath, Learned Standing Counsel for the Respondent-Railway (on whom copy of this OA has been served) and perused the records.

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4. Mr.Rath, Learned Standing Counsel appearing for the Respondents vehemently objected to entertaining this OA and has prayed that as the applicant did not submit his reply within the stipulated period granted to him in Annexure-A/1 the Applicant has to participate in the enquiry which is scheduled to be held now. Hence he has prayed for dismissal of this OA.


5. It is the specific case of the Applicant that the applicant could not submit his reply to the show cause at Annexure-A/1 on time granted to him due to his illness and submitted the same on 2.11.2012. The enquiry is yet to take place. After going through the reply it is within the domain of the Disciplinary Authority to decide whether there is necessity to proceed with the enquiry or not as it is the specific case of the applicant that on similar charge criminal case is pending before the appropriate court of law. In view of the above, ends of justice would be met if we dispose of this OA at this admission stage with direction to the Divisional Electrical Engineer (Chg),Puri/Respondent No.4 to consider the

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reply of the Applicant dated 2.11.2012 at Annexure-A/2 and communicate the decision to the applicant in a well-reasoned order before proceeding further with the enquiry. Ordered accordingly. There shall be no order as to costs.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Admn.)
Judicial