

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

Date of order : 28.4.1997

O.A. NO. 146/1997

A.P.PANEDY S/O SHRI BRIJ BHUSAN JI PANDEY, AT PRESENT
WORKING AS DEPUTY CHIEF CONTROLLER, NORTHERN RAILWAY,
D.R.Ms OFFICE, BIKANER.

..... Applicant

Vs.

1. UNION OF INDIA THROUGH GENERAL MANAGER (OPERATIONS),
NORTHERN RAILWAY, BARODA HOUSE, HEADQUARTER BUILDING,
NEW DELHI.
2. THE ADDITIONAL DIVISIONAL RAILWAY MANAGER,
NORTHERN RAILWAY, BIKANER.
3. THE SENIOR DIVISIONAL OPERATION MANAGER,
NORTHERN RAILWAY, BIKANER.
4. SHRI SURESH KUMAR, SENIOR DIVISIONAL OPERATION
MANAGER, NORTHERN RAILWAY, BIKANER.
5. THE INQUIRY OFFICER SHRI UDAI SINGH MEENA, T.I.,
NORTHERN RAILWAY, BIKANER.

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THE HON'BLE MR. S. DAS GUPTA, ADMINISTRATIVE MEMBER
THE HON'BLE MR. A. K. MISRA, JUDICIAL MEMBER

Mr. S. N. Trivedi, Advocate, for the Applicant present.

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PER HON'BLE MR. S. DAS GUPTA, MEMBER (A) :

Heard the learned counsel for the applicant at the stage of admission.

2. This application has been filed basically seeking the relief of changing the Disciplinary Authority and also for a direction to the respondents that the inquiry initiated against the applicant, be proceeded in accordance with law keeping in view the principles of natural justice.

3. It appears that the applicant was served with a Charge Memorandum dated 3.11.1995. Thereafter, an inquiry has also been initiated. The applicant's allegation is that the Disciplinary Authority is biased against him because of certain earlier incidents. He had requested that the Disciplinary Authority be changed but the ~~same~~ request has been turned down by the impugned order dated 4.3.1997. This order has been passed by the authority higher than the Disciplinary Authority namely, the Divisional Railway Manager, although, the order has been communicated by the ~~Divisional Railway Manager~~ ^{Alleged}. He has also ~~replied~~ that he asked for certain documents which have been denied to him by the impugned order dated 27.3.1997.

4. It is not a case of the applicant that the Disciplinary Authority is not a competent authority to initiate disciplinary proceedings against him. The Only ~~the~~ ground for changing of the authority is that he is biased against the applicant. This ~~would~~ be a valid ground for challenging the final decision

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taken by the Disciplinary Authority after completion of the inquiry if the applicant is aggrieved by such an order. We see no scope for this Tribunal to interfere at this inter-locutory stage.

5. We dispose of this Application with an observation that the Disciplinary Authority is ~~expecting~~ to conduct the proceedings in accordance with law observing the principles of natural justice.


(A.K.MISRA)
Judicial Member


(S.DAS GUPTA)
Administrative Member

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MEHTA

1. Lib

2. Copy of order sent to
Reg. Ad. Recd. R/o JGJ Mysore N.O. 85 to 89
dt. 01-5-97

3. Lib.

Part II and III destroyed
in my presence on 20/5/03
under the supervision of
section officer () as per
order dated 14/3/03

Section officer (Record)

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