

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 15.05.1997

O.A. 152/97

Mumtaj

...

Applicant.

v e r s u s

The Union of India through
the General Manager, Western
Railway, Churchgate, Bombay.

The Assistant Engineer (Central),
Kota, Western Railway.

3. The Divisional Engineer (Central),
Kota, Western Railway. ...

Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

CORAM :

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. O.P. Sharma, Administrative Member.

PER HON'BLE MR. GOPAL KRISHNA :

Applicant Mumtaj has claimed the following reliefs in
this application under Section 19 of the Administrative
Tribunals Act, 1985.

- "(i) That the impugned order SF-5 dated 13/14.9.88 Annexure A/1, punishment order dated 12.2.96 Annexure A/2 passed by the 2nd respondent and any other adverse order if passed on the appeal, may be declared illegal and the same may be quashed and the applicant be allowed all consequential benefits.
- (ii) That any other direction, reliefs or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.
- (iii) That the cost of this application may be awarded."

CkNubh 2. Heard the learned counsel for the applicant.

3. The facts giving rise to this application are that while serving as Gangman at Lakheri under the Permanent Way Inspector, the applicant was served with a chargesheet and an enquiry was initiated into the charge of obtaining ~~an~~ employment by producing a false service card. The penalty of dismissal from service was imposed upon the applicant. The contention of the applicant is that the relevant documents were not supplied to him and the enquiry proceedings were closed due to an objection from the defence regarding non-supply of documents. It is also contended that the applicant was not supplied with a copy of the enquiry report and no opportunity of representing against the same was given. It is also stated that the applicant has preferred a detailed appeal to the Appellate Authority (respondent No. 3) vide Annexure A/6 dated 26.3.1996. The learned counsel for the applicant states that the aforesaid appeal has not been decided.

4. In the circumstances, we dispose of the present application at the stage of admission with a direction to the respondent No. 3 to decide the appeal through a detailed speaking order meeting all the points raised therein within a period of four months from the date of the receipt of a copy of this order. If the applicant is aggrieved by any decision taken by the appellate authority, he will be at liberty to file a fresh O.A. Let a copy of this O.A. alongwith the annexures thereto and a copy of this order be sent to the appellate authority (respondent No. 3).

5. The O.A. is disposed of accordingly.

(O.P. SHARMA)
Member (A)

C. Krishna
(GOPAL KRISHNA)
Vice Chairman

cvr.

1 R/ory
5/27/5

2 Copy of adm. sent to Reg-AID
Respt. no. 1 to 3. vide no. 110 6/11/2
AID/ed in third set R1 to 3
16-6-97

3 like

Part II and III destroyed
in my presence on 2-27-93
under the supervision of
section officer (1) as per
order dated 4/12/93

[Signature]
Section officer (Record)