

४.ए.ए. (प्रक्रिया) लियसन्सर के नंबर 22 के अन्तर्गत निःशुल्क प्रक्रि
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 13.04.1999

M.A. No. 42/1999

in

O.A. No. 119/1998

Union of India through the General Manager, Northern Railway,
Baroda House, New Delhi.

... Applicant (Respondent in OA)

versus

Shri A.S. Lokwani son of Shri Sheva Ram aged about 55½ years, r/o.
Railway Bungalow No. L-16, Near Railway Club, Jodhpur, at present
employed on the post of Divisional Engineer (General), Northern
Railway, Jodhpur.

... Respondent (Applicant in OA)

Mr. R.K. Soni, Counsel for the applicant (respondent in OA).
Mr. J.K. Kaushik, Counsel for respondent (applicant in OA).

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. N.P. Nawani, Administrative Member.

ORDER

(Per Hon'ble Mr. A.K. Misra)

We have heard the learned counsel for the parties and
considered the prayer.

2. The learned counsel for the applicant (respondent in OA)
submits that in spite of number of letters and reminders, the
enquiry officer is not reporting the progress to the General
manager, therefore, time is being sought so that either the
report from the enquiry officer is received or if necessary, the

----- charged and the enquiry be completed. On the other hand, the learned counsel for the respondent (applicant in O.A) submits that originally the prayer of the applicant was for directing the respondents, i.e. Railways, and its officials to expedite and complete the enquiry. That prayer having been accepted on merits, direction was issued hence no extension can now be granted. He had also submitted that the enquiry has also completed. The defence witnesses have been recorded and the address to the enquiry officer has been advanced but the further progress is not known to the applicant. Therefore, also no extension of time can be granted.

3. We have considered the rival arguments. There is no dispute that the time originally granted can be extended if for certain genuine reasons the time fixed by the orders could not be adhered to. In the instant case, looking to the correspondences made by the General Manager to the enquiry officer, it appears that the enquiry officer is not responding and probably, this is the reason that the enquiry has not been completed within the time prescribed. The department, however, is not in touch with the presenting officer to monitor the case. But when we consider the submission of the respondent that the enquiry has completed except the final report by the enquiry officer, the respondent would not be prejudiced if the time is extended for complying the order of the Tribunal passed in the O.A.

4. The applicants have prayed for ten months time which in the circumstances, we consider most unreasonable. The time originally granted came to an end in the month of February, 1999, and in any case on 2.3.99, i.e. eight months from the date of communication of the order in the O.A. The application for extension of time was moved on 26.2.99 and almost 1½ months have passed.

5. Looking to the facts, we feel that the ends of justice would be met if the time is extended by 5 months from the date of institution of this M.A. The extended period, therefore, shall come to an end on 2.8.99. Needless to say that the applicant shall make every possible efforts to comply the original order within this extended period of time.

6. M.A. stands disposed of accordingly.

मासिक
त्य प्रतिलिपि

३२४(३९)
नाम्यक अधिकारी (न्यायिक)
न्दीय प्रशासन अधिकरण
गोप्य स्थायीठ, जोधपुर

Sd/-

(N. P. NAWANI)
Adm. Member

Sd/-
(A.K.MISRA)
Judl. Member

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 24.6.98

OA 119/98

A.S.Lokwani,
Divisional Engineer (General),
Northern Railway,
Jodhpur.

... Applicant

Versus

Union of India through General Manager,
Northern Railway,
Baroda House,
New Delhi.

... Respondent

CORAM:

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.J.K.Kaushik
For the Respondent ... Mr.R.K.Soni

O R D E R

PER HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN

The learned counsel for the official respondent wanted time to file counter. Prayer for time is refused in view of the nature of the relief sought in the application.

2. The OA is finally disposed of after hearing the learned counsel for the parties. By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant wants a direction to the respondent to conclude and finalise the disciplinary cases instituted against him vide charge-sheets dated 5.8.94 and 2.4.96, at Annexures A-1 and A-2 respectively.

3. It does not appear necessary to detail the facts. Suffice it to say that while working as Divisional Engineer at Jodhpur in the Northern Railway, the applicant was first charge-sheeted in 1994. Subsequently, again he was charge-sheeted in 1996. In so far as the charge-sheet dated 5.8.94 is concerned, we are of the view that by now the respondent was expected to have passed the final order in the case but has not passed any final order. We, therefore, think that in so far as the charge-sheet of 1994 is concerned, the matter will be disposed of by directing the respondent to conclude the disciplinary proceedings and pass appropriate orders in those proceedings within a period of four months from the date of receipt of a copy of this order.

4. In so far as the charge-sheet dated 2.4.96 is concerned, we are of the view that the applicant's grievance in that regard can also be set at rest by directing the respondent to dispose of the disciplinary proceedings pursuant to the misconduct alleged in the charge-sheet dated 2.4.96 within a period of eight months from the date of receipt of a copy of this order.

5. We make it clear that the respondent shall take precaution to dispose of the two disciplinary proceedings within the time specified, otherwise we may take a serious view of the matter in case it is found that final orders pursuant to the aforesaid disciplinary proceedings have not been passed within the time specified.

6. As requested by the learned counsel for the respondent, we observe that it is understood that if necessary, the applicant shall give full cooperation to the department in concluding the disciplinary proceedings pending against him.

7. This OA is accordingly disposed of. No costs.

KM

(K.M.AGARWAL)

CHAIRMAN

Gopal Singh

(GOPAL SINGH)

ADM. MEMBER

VK

Copy given
to S.I. R.K. Soni, And
Signature taken
by witness
27/8/98

Part II and III destroyed
in my presence on 11.9.1998
under the supervision of
Section Officer () as per
order dated 31.7.1998

Section Officer (Record)