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Central Administrative Tribunal
Jodhpur Bench, Jodhpur

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Original Application No. 52 of 2005
Date of decision : this the 12th day of April, 2005

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CORAM :

Hon'ble Mr. G. R. Patwardhan,
Administrative Member

.....

Dinesh Kumar Asthana
S/o Shri Jang Bahadur Asthana
aged about 50 years, working as Section Engineer (PW)
(Safety Councillor), under suspension, N.W. Railway, Bikaner,
R/o C/o shyam Sunder Khatri, Koda Colony, Rani Bazar,
Bikaner.

.....Applicant.

(By Mr. Y.K. Sharma, Advocate, for applicant)



1. Union of India through
the General Manager,
North Western Railway, Jaipur.
2. Sr. Divisional Engineer (C)
North Western Railway, Bikaner.
3. Additional Divisional Railway Manager
North Western Railway, Bikaner.

.....Respondents.

(By Mr. N.K. Khandelwal, Advocate, for applicant)

ORDER
{By the Court}

O.A. 52 of 2005 has been preferred by Dinesh Kumar Asthana, working as Section Engineer in North Western Railway, Bikaner and presently under suspension, against the Union of India and two senior officers of North Western Railway at Bikaner. What is under challenge is, an order dated 15th July, 2004 and placed at Annex. A/1 whereby, the applicant has been put under suspension. Following reliefs have been sought :-

- (a) suspension order be quashed ;
- (b) applicant should be taken back on duty with all consequential benefits and
- (c) any other relief considered appropriate.

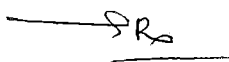
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2. As a matter of interim relief, it is prayed that the respondents should be directed not to issue any chargesheet henceforth.

3. Learned counsel for both the parties have been heard. A detailed reply has been filed by respondents which is on record. On the last date as well as on 14th March, 2005, learned counsel for respondents submitted that the charges against the applicant are very serious and that very soon, a chargesheet would be served on him proposing major penalty. He, therefore, prayed that it is premature for the applicant to come to the Tribunal. The learned counsel for the applicant has said that orders contained in Annex. A/1 have not been followed through and the applicant continued under suspension without any intimation as to the nature or gravity of allegations against him. His case has not been reviewed under the law and that his representations, copies of which are placed at Annexes. A/2, A/4 and A/5 have not been attended to. He, therefore, prayed that his suspension should be revoked.

4. In the face of the positive assertion of the learned counsel for respondents made in reply to the above assertion of the applicant that within next two months, a chargesheet for major penalty would be positively served on the applicant, it would be appropriate that this matter is closed for the present and the respondents allowed this much of time to process the matter. Ordered accordingly. The applicant would be at liberty to seek recourse to the Tribunal in case no such chargesheet is served on him within the next two months period. Application stands disposed of accordingly. No order as to costs.


(G.R. Patwardhan)
Administrative Member

jrm



R/1004
18/4/05

R/C

19/4

part II and III destroyed
in my presence on 9/11/14
under the supervision of
section officer (1) as per
order dated 18/11/13

Section officer (Record)

9/11/14