

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.582/94

THURSDAY, THIS THE 2nd DAY OF MARCH, 1995

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S. P. BISWAS, ADMINISTRATIVE MEMBER

K.M. Vasudevan Nair
Inspector of Works Gr.I
Construction, Southern Railway
Calicut

Applicant

By Advocate Mr. V. P. Raghuraj

vs.

1. The Chief Engineer (Construction)
Southern Railway, Madras-8

2. The General Manager,
Southern Railway, Madras

Respondents

By Advocate Mr. F.A. Mohammed

O R D E R

CHETTUR SANKARAN NAIR (J) VICE CHAIRMAN

Applicant seeks to quash A-1 charging him with possession of assets disproportionate to his known source of income.

2. We do not think that it will be proper for this Tribunal to examine the propriety of a charge. It inheres in the authority of an employer to proceed against an employee, if it finds that there are allegations to be enquired into. At a later stage, when findings are entered it will be open to the Tribunal or Court to examine whether the findings are supported by evidence and whether the enquiry is vitiated by illegality or procedural impropriety. We therefore, decline jurisdiction, at once directing respondents to expedite the enquiry which has been pending for almost four years. Quite apart from the aspect that the charge levelled is that applicant

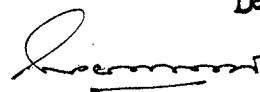
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in 31 years of services, has acquired disproportionate wealth to the extent of Rs. 31,000/-, it is seen that the enquiry was adjourned several times on account of respondents. Proceedings will be completed and final orders passed by the disciplinary authority positively within three months from today. The time limit will not be extended as the applicant is due to retire by the end of the year. He had been requesting for expedition as he is retiring in 1995. While dismissing the application, we make it clear that it will be open to applicant to raise such contentions as he is advised to, before the disciplinary authority or other forums.

3. Application is disposed as aforesaid. NO costs.

Dated the 2nd March, 1995


S.P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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List of Annexures

1. Annexure-A1: True copy of the Charge Memo No.CE/CN/CON/S6/V4/KMV/91 dt.11.7.1991 issued by the Chief Engineer (Construction) Southern Railway Madras-8, the first respondent.