

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.234/99

Thursday this the 25th day of March, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. B.N. BAHADUR, ADMINISTRATIVE MEMBER

F. Royer,
S/o Francis, Retd. Passenger Driver,
Southern Railway,
Nagercoil Junction
residing at "Sivaliyenthal"
Karkalathoor Post, Sivangagai District,
Tamilnadu.

...Applicant

(By Advocate Mr. K.M. Anthru)

Vs.

1. Union of India, represented by the
Secretary to Government of India,
Ministry of Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
Southern Railway,
Headquarters, Park Town PO,
Madras.3.
3. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,
Trivandrum.14.
4. The Senior Divisional Mechanical Engineer,
Southern Railway,
Trivandrum Division,
Trivandrum.14.

...Respondents

(By Advocate Mr. Thomas Mathew Nellimootil (rep.by Mary
Nirmala)

The application having been heard on 25.3.99, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The grievance of the applicant who was
compulsorily retired from service while working as
Passenger Driver on 23.3.94 just one week prior to the
normal date of superannuation is that respondents are
unjustifiably holding a disciplinary proceedings
initiated against him by service of a charge memo dated
25.2.94 (A1). It is alleged in the application that the

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Enquiry Officer had submitted two earlier reports, that the disciplinary authority had issued an order on 29.5.96 (A4) informing the applicant that the proceedings held till then was cancelled and the enquiry would be held by the CDO/TVC on 19th, 20th and 21st of June, 1996 and requiring the applicant to participate in the enquiry nominating a defence counsel. The case of the applicant is that by the order at A4 the entire proceedings including the charge sheet stood cancelled and therefore, in accordance with the provisions contained in Rules 9 and 10 of the Railway Servants (Discipline and Appeal) Rules, the disciplinary authority has no authority to order a de novo enquiry. The applicant has therefore, filed this application for quashing the proceedings pending against him.

2. When the application came up for hearing, learned counsel appearing for the respondents was asked to find out as to what is the present stage of the proceedings and how much time it would take to reach its logical conclusion. Counsel under instructions from the respondents stated that it would take about six months more to complete the proceedings. However, counsel on either side agree that without going to the merits of the case the application may be disposed of directing the respondents to pass a final order in the proceedings within a period of four months from the date of receipt of a copy of this order.

3. In the light of the submission of the learned counsel on either side and as agreed to by them, the application is disposed of directing the respondents to pass a final order in the disciplinary proceedings now pending against the applicant within a period of four months from the date of receipt of a copy of this order. There is no order as to costs.

Dated this the 25th day of March, 1999.



B.N. BAHADUR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the Order:

Annexure.A.1: A true copy of the charge memo
No.V/MT5/6029/17/1/FR dated 25.2.94
issued by the 4th respondent.

Annexure.A4E A true copy of letter
No.V/MT5/6029/17/1/FR dated 29.5.96 issued
by the 4th respondent.