

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.271 OF 2011

Friday, this the 8th day of April, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

A.Sobha
Junior Clerk
Office of the Divisional Commercial Manager
Southern Railway, Trivandrum Division
Thiruvananthapuram – 695 014
Residing at Devamrutham, Plavarathala Mele, Edacode
Nermom PO
Trivandrum District – 695 020 ... **Applicant**

(By Advocate Mr.T.C.G.Swamy)

versus

1. Union of India represented by the
General manager, Southern Railway
Headquarters Office, Park Town PO
Chennai – 600 003
2. The Assistant Personnel Officer
Southern Railway, Trivandrum Division
Thiruvananthapuram – 695 014
3. The Assistant Commercial Manager
Southern Railway, Trivandrum Division
Thiruvananthapuram – 695 014
4. The Divisional Commercial Manager
Southern Railway, Trivandrum Division
Thiruvananthapuram – 695 014
5. The Divisional Railway Manager
Southern Railway, Trivandrum Division
Thiruvananthapuram – 695 014 ... **Respondents**

(By Advocate Mr. V.V.Joshi)

The application having been heard on 08.04.2011, the Tribunal on the same day delivered the following:

ORDER**HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

Aggrieved by the issuance of Annexure A-1 major penalty charge memo dated 27.09.2007, the applicant has filed this OA.

2. The applicant commenced her service as Junior Clerk in Guntakkal Division in 1988 and was transferred to Trivandrum Division on her request in 2005. Annexure A-1 charge memo was issued due to certain allegations of mis conduct on the part of the applicant when she worked in Guntakkal Division. She received the inquiry report along with the disagreement note of the Disciplinary authority (Annexure A-2). She submitted her defense statement on 29.07.2010. She has also produced Annexure A-6 Model time schedule for finalisation of disciplinary proceedings prescribed by the Railway Board bearing No.E(D&A) 95 RG 6-15 dated 24.04.1995. In accordance with Annexure A-6 the Disciplinary Authority is expected to take a decision and issue notice of penalty within twenty days of receipt of a copy of the inquiry report. In view of the inordinate delay in finalising the disciplinary proceedings the applicant prays for a direction to the respondents to communicate the final orders within a time frame as found just and proper by this Tribunal.

3. It is seen that the disciplinary Authority, viz., the Assistant Commercial Manager, Southern railway, Trivandrum Division, Trivandrum (R-3) has not been able to stick to the time schedule prescribed by the Railway Board. The Inquiry Officer has submitted the inquiry report in 2009 itself. However, there does not seem to have any reason whatsoever, for delaying the process of decision making and issuing the notice of

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penalty or the 3rd respondent feels it fit or drop the charge sheet as the case may be. Hence ends of justice will be met if the 3rd respondent is directed to finalize the disciplinary proceedings and communicate its decision within forty five days from the date of receipt of a copy of this order. Ordered accordingly. No costs.

Dated, the 8th April, 2011.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS