

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A. NO.271 OF 2011

Friday, this the 8<sup>th</sup> 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

**(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



penalty or the 3<sup>rd</sup> respondent feels it fit or drop the charge sheet as the case may be. Hence ends of justice will be met if the 3<sup>rd</sup> 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 8<sup>th</sup> April, 2011.

  
**K.NOORJEHAN**  
**ADMINISTRATIVE MEMBER**

  
**JUSTICE P.R.RAMAN**  
**JUDICIAL MEMBER**

VS