

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 205 of 2011

This the 19th day of July, 2011

Hon'ble Mr. Justice Alok Kumar Singh , Member-J
Hon'ble Mr. S.P. Singh, Member-A

Parasuram Ram, Aged about 53 years, S/o late Baijnath, R/o SS 8 Sec-C/1, LDA Colony, Kanpur Road, Lucknow, presently posted as CTI, Northern Railway, Charbagh, Lucknow.

.....Applicant

By Advocate : Sri G.S. Verma

Versus.

1. Union of India, through Principal Secretary, Railway Civil Secretariat, New Delhi.
2. General Manager Vigilance, Northern Railway, Baroda House, New Delhi.
3. Chief Commercial Manager, Northern Railway, Baroda House, New Delhi
4. Sr. D.C.M., Northern Railway, Lucknow.

.....Respondents

By Advocate : Sri Rajendra Singh

ORDER (Oral)

By Justice Alok K Singh, Member-J

This O.A. has been filed for the following relief(s):

- (i) *to quashing the impugned order dated 21.4.11 passed by respondent no.4, contained as Annexure 1 to the instant application.*
- (ii) *To issue order or direction to the respondents to provide the relevant papers of documents to which the applicant has made representation.*
- (iii) *To issue order or direction to the respondents to decide the representations dated 4.4.11 and 30.4.11 of the applicant before initiation the inquiry.*
- (iv) *To issue any other order or direction as this Hon'ble Court may deem just and proper also be passed in the interest of justice.*
- (v) *Award the cost of the instant application in favour of the applicant."*

AL

2. At the outset, it may be mentioned that this O.A. is hit by Rule 10 of CAT (Procedure) Rules, 1987 as multiple relief(s) have been claimed.

3. There are three main relief(s). First relief is in respect of quashing the impugned order dated 21.4.2011 passed by respondent no.4 as contained in Annexure no.1. The perusal of this Annexure shows that by means of this order one Sri Aswani Kumar Sharma, Chief Enquiry Officer, Northern Railway, Head Office, New Delhi has been appointed as Inquiry Officer. It is said that some papers relied upon in the chargesheet have not been supplied for which two applications dated 4.4.2011 and 30.4.2011 were moved before the respondent no.4 i.e. Sr. D.C.M., Northern Railway, Lucknow (Annexure 4 & 5). But under the relevant Discipline & Appeal Rules, 1968 there is no embargo that an Enquiry Officer cannot be appointed until some documents called for by the delinquent are supplied.

4. Second relief pertains to providing relevant papers/documents in respect of which aforesaid two applications are said to have been moved. This is not the job of this Tribunal to get the documents/papers provided to a delinquent official during the pendency of inquiry.

5. Third relief pertains to a direction to the respondents to decide the representations dated 4.4.2011 and 30.4.2011 (Annexure nos. 4 & 5). In this regard, observations have already been made hereinabove. More-over neither the Inquiry Officer has been made a party, nor chargesheet has been challenged. The applicant has not submitted any reply (complete or incomplete) against the chargesheet till date. There is no averment in the O.A. as to why the applicant is not availing the remedies available in accordance with the relevant Disciplinary & Appeal Rules, 1968.

AA

6. In view of the above, this O.A. is dismissed. No order as to costs.

S.P. Singh
19.7.11
(S.P. Singh)
Member-A

Alok Kumar Singh
19.7.11
(Justice Alok K Singh)
Member-J

Girish/-

c.R.
copy of order
dated 19-7-2011
Per hand
21-7-2011