

IN THE COURT OF THE JUDGE, CIVIL AND CRIMINAL, LUCKNOW.

Original Application No. 100 of 1936

Muzur Khan Applicant

versus

Union of India & Others Respondents

Hon'ble Mr. Justice C.C. Prasad, J.C.

Hon'ble Mr. J.R. Das, Member (A)

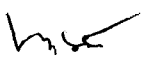
(By Hon'ble Mr. Justice C.C. Prasad, J.C.)

The learned counsel for the respondents prays further time to file counter-affidavit. In view of the averments made and nature of the case, it is not necessary to grant any further time for filing counter-affidavit and the case can be disposed of as per allegations made by the applicant.

2. The applicant was appointed as daily casual worker in the year 1933 by the Senior Divisional Mechanical Engineer, Eastern Railway Lucknow. His order dated 25.9.36 was suspended and a charge-sheet was served upon him in respect of certain acts of omission and commission said to have been committed or omitted in the year 1933-36, and the applicant submitted his reply. Since December, 1936, no further proceedings took place in the matter of enquiry and the suspension continued for five years and the applicant has also approached the tribunal taking inspiration from the cases of similarly other placed employees, who were also placed under suspension and against the same, they approached this tribunal in the tribunal cases in order in their favour. The suspension order of the applicant still to have been stayed on 10.9.36, but it appears that by mistake, the order was not signed. Anyhow, as the suspension order is not signed, the applicant will continue in

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full the service. The order of enquiry should not have
 been delayed for the long period. In fact, the enquiry
 is not concluded within a period of four months from the
 date of communication of the order despite fullest
 co-operation by the applicant, the operation of the
 suspension order shall remain unchanged. The respondents
 shall fix the first date of appearance of the applicant
 before the court on or before 10th May, 1993 after receipt of the
 copy of the said judgement and thereafter, they will
 conduct the enquiry within four months. The said decision
 shall be disposed of finally in these terms. The applicant
 shall fully co-operate with the enquiry. No order as to
 costs.


 Member (A)


 Vice-Chairman

Judgement dated: 20.4.1993

(101)