

**Central Administrative Tribunal, Lucknow Bench,**

**Lucknow**

**Original Application No. 41/2010**

This the 23rd day of February, 2010

**Hon'ble Mr. Justice A.K. Yog, Member-J**  
**Hon'ble Dr. A.K. Mishra, Member(A)**

Ram Kumar, Aged about 60 years, S/o late Alakh Kumar, R/o 548/180, Surya Nagar, Rajajipuram, Lucknow.

.....Applicants

By Advocate: Sri Alok Trivedi.

**Versus**

1. Union of India through the Secretary, Ministry of Railways, Government of India, New Delhi.
2. The G.M., N.R., Baroda House, New Delhi.
3. The DRM, N.R., Lucknow Division, Hazratganj, Lucknow.
4. Sr. Divisional Commercial Manager, N.R., Lucknow Division, DRM Office, Hazratganj, Lucknow.
5. The Chief Enquiry Officer, Room No. 403, 4<sup>th</sup> Floor, DRM Office Building, New Delhi.

.....Respondents

By Advocate: Sri V.K. Srivastava.

**ORDER (Oral)**

**Delivered by Justice A.K. Yog, Member-J**

This O.A. is being filed in the matter of pendency of disciplinary proceedings against the applicant. The reliefs claimed in para 8 of the O.A., inter alia, include passing of order to quash Chargesheet dated 11.5.2009 and a direction not to proceed with the inquiry proceedings in pursuance of the said chargesheet unless and until original 'DTC book dated 5.5.2004' of Jhanghai station (RUDs) are not made available for inspection to the applicant.



2. We are of the considered view that this O.A should not be kept pending indefinitely on the ground of non-availability of the DTC Book as it will not be conducive to the interest of the applicant or the administration.

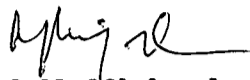
3. The applicant raises certain grievances due to Respondents' failure to make available original of said DTC book (photocopy of which is at Annexure A-6). The applicant has already filed representations/reminders repeatedly claiming inspection of said DTC book (in original), but his request has not been considered/dealt with by the enquiry officer/ disciplinary authority ( on the grant of its non-availability).

4. Learned counsel submit that case of the Respondents is that, original DTC book (in question) is not available with the department till date. The Inquiry Officer/disciplinary authority are expected to take into account- consequences in law of Original DTC book not being confronted to the Applicant and whether relevant extract of 'photocopy' of said document can be relied upon. As far as other objections are concerned, we are not interested to deal them at this stage as the matter is pending before the Inquiry Officer/ disciplinary authority.

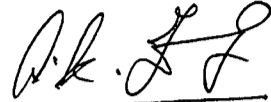
5. In view of the above, we are of the opinion that this O.A. be disposed of finally with a direction to the applicant to file, within 4 weeks from today, a comprehensive parawise representation/objection before the Inquiry Officer/disciplinary authority (as the case may be) raising all his objections (contained in earlier representations) and we have no doubt that the said authority shall consider said representation by passing a speaking/reasoned order in accordance with the relevant rules. If the applicant fails to file a representation/objection within the stipulated time, this order will lose its efficacy.



6. O.A. stands disposed of subject to above observations. There will be no order as to costs.



**(Dr. A.K. Mishra)**  
**Member (A)**



**(Justice A.K. Yog)**  
**Member (J)**

Girish/-