

CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH,

LUCKNOW.

O.A. No.653/92.

R. K. Tripathi ::::::: Applicant.

Vs.

Union of India & ::::::: Respondents.

Hon. Mr. S. N. Prasad, J.M.

(By Hon. Mr. S. N. Prasad, J.M.)

The applicant has approached this Tribunal for quashing the impugned order dated 20-11-92 (Annexure-A-1) and for directing the respondents to decide the appeal expeditiously.

2. Succinctly the facts of this case, inter-alia, are that the applicant was initially appointed on 28-6-86 as Fitter-Incharge Outdoor/Chargeman Grade 'B' and on 2-9-86 the applicant was given the charge of Chargeman, Grade 'B' in Allahabad Division at Tundla junction. Prior to his joining at Tundla the services of the applicant have been quite satisfactory and there was no adverse entry and was promoted from Chargeman Grade 'B' to Chargeman Grade 'A' on 3-10-1990. It has further been stated that prior to joining at Tundla one Shri R.K. Arora, who was working as F.I.C.(1), Tundla handed-over charge to the applicant and the test wagon was not shown in the list as is obvious from the photostat copy of the ^{report of} taking-over charge as Annexure A-2, and when the aforesaid Shri R.K. Arora joined at Tundla, he was also not given the charge of Test Wagon and a charge report to this effect is filed as Annexure A-3. It has further been stated that the applicant came to know on 6-10-86 that a Test Van was placed in C.P.C., FIO/

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Tundla, so he reached with his staff at Kanpur C.P.C. for inspection of the said Test Van on 7-10-86 and found one side i.e. N.S.Side TB-G.M.C., and nut bolt were locked but another side i.e. N R C O D X appeared as if not properly sealed, so the applicant informed the Railway Police Force ~~and~~ C.P.C. ^{^A} joint inspection of the said test van was carried out and it was found N/S Seal TB and nut bolt was intact, but its other side was not in tact and the said test van was standing at Kankar siding platform Generalgunj and the applicant opened the said van in the presence of his staff and Railway Protection Force ^{^Counted} ~~^Weights of 26 kg. each~~ and found 346 weights ^{only} instead of 595. The wagon Floor was found rusty and there were 3 holes. Copy of the report made by the applicant in the presence of R.P.F. [^] is filed as Annexure No.A-4, and on the basis of the report by the applicant the Assistant Mechanical Engineer, Northern Railway, wrote a letter on 20-10-86 to respondent No.2 and it was suggested that action should be taken against the applicant for failing to ~~not~~ [^] haul ~~checked~~ the same while taking-over charge, and in regard thereto the applicant submitted a detailed report which is Annexure A-6. It has further been stated that in regard to above, a notice was issued under Rule 11 of Railway Servant (DLA) Rules 1968 (Annexure-A-8) ^{^ without assigning any reason} and eventually the impugned order dated 20-11-92 was passed against the applicant and feeling aggrieved ^{^ against} ~~because of~~ the aforesaid order, the applicant filed an appeal before the appellate authorities which has not been decided so far.

3. It has been stated, ^{^ inter-alia,} by the respondents in para 3 of the counter reply filed by the respondents that the applicant has submitted an appeal dated 7-12-92

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against the aforesaid impugned order and the same is still pending.

4. I have heard learned counsel for the parties and thoroughly gone through the pleadings of the parties and papers annexed thereto.

5. It is noteworthy that a perusal of the application of the applicant and a perusal of para 3 of the counter-reply filed by the respondents reveals that the appeal filed by the applicant against the impugned order dated 20-11-92 is still pending and has not been decided so far.

6. According to the above impugned order a sum of Rs.1,000/- was to be recovered from the applicant per month. A perusal of order dated 25-1-93 shows that the respondents were directed that from the month of February, 1993 till further order the respondents shall deduct only Rs.500/- per month from the salary of the applicant instead of Rs.1,000/- per month. The order dated 25-1-93 reads as follows :-

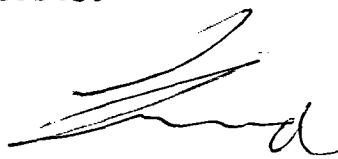
" From the month of Feb., 1993 till further orders, the respondents shall deduct only Rs.500/- per month from the salary of the applicant instead of Rs.1,000/- per month. "

7. Having considered all the view points and all aspects of the matter and keeping in view the fact that the appeal of the applicant dated 7-12-92 is still pending with the respondent No.4 undecided, and I find it expedient that the ends of justice would be met if the respondent No.4/Appellate Authority is directed to decide the above appeal of the applicant by reasoned and speaking order in accordance

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with the extant rules and regulations and after giving personal hearing to the applicant within a period of 2 months from the date of receipt of the copy of this judgement; and I order accordingly. It is made clear that as per the above interim order dated 25-1-93 only a sum of Rs.500/- be deducted from the salary of the applicant per month till the decision of the above appeal.

8. The application of the applicant is disposed of as above. No order as to the costs.



JUDICIAL MEMBER.

09.12.93

Dated: 9/12/93, Lucknow.

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