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RESERVED

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

D.A. No. 647 of 1992 (L)

R.K. Shukla ... Applicant

Vs.

Union of India & others ... Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

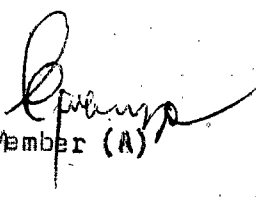
(By Hon. Mr. Justice U C. Srivastava, V.C.)

1. The applicant at the relevant point of time was working as 'Driver Grade-A Special' on which post he was promoted on 1-3-1986. On 30th March, 1988 he was served with a charge-sheet and the charge against him was that while functioning as Assistant Loco Foreman in Loco Shed, Lucknow in the year 1980-81, he had committed mis-conduct and manipulated Muster Roll dated 12-12-1980 of Loco Shed Staff, Part-II.
2. The applicant submitted a representation for supply of certain documents on 8-4-1988 including the copy of the Muster Roll, but the same was not supplied and the respondents allowed him and defence Counsel to inspect the documents and directed him to present himself for inspection of the documents. The applicant again made a representation for delivery of copies of documents, but the same was not done. He was allowed to inspect documents, according to him only for two minutes, despite the repeated request of time. After two months, the applicant was intimated vide a letter dated 8-10-1990, a particular person has been appointed as Enquiry Officer, the said Enquiry Officer was subsequently changed. This time he fixed 18-7-1991 & 19-7-1991 for enquiry intimating him

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that the enquiry will take place not only against him, but also against other persons namely, K.P. Singh. The applicant again prayed for additional document, but the same was not given, and in these circumstances the applicant filed the protest with request the evidence of prosecution be closed and the representation be finalised on the basis of the evidence on record. The departmental enquiry was not concluded, and the applicant followed by another representation. Thus, according to the applicant, the departmental enquiry is prolonged unnecessarily.

3. In fact, the department alone is responsible for the delay and the applicant has also contributed to the delay. We can not interfere in the proceedings at this stage but the application can be disposed of with the direction that the departmental enquiry shall be concluded within the period of 4 months. The applicant should fully co-operate with the inquiry, in case the evidence has not started, the applicant may be intimated of the date that may be fixed. Ex-parte evidence has been taken, the respondents even ~~can~~ not allow the applicant to cross examine the witness. The copy of the documents have not been supplied to him, in case he has not been allowed inspection, the inspection can also be allowed. If after full co-operation by the applicant, the inquiry is not concluded, then it could be open for the applicant again to approach the Tribunal for quashing the disciplinary proceedings. The application is disposed of finally at this stage.


Member (A)


Vice Chairman

Lucknow

Dated: 16/12/92

a.m.