

## CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHO.A.NO.: 256 OF 2006[Patna, this Friday, the 30<sup>th</sup> Day of May, 2008]C O R A M

HON'BLE MR. SHANKAR PRASAD, MEMBER [ADMN.]  
 HON'BLE MS. SADHNA SRIVASTAVA, MEMBER [JUDL.]

Raghu Nath Prasad, son of Late Bindeshwari Prasad, Ex-Coaching Superintendent Grade -I, E.C.Railway, Barauni Junction, resident of mohalla – Gandhi Nagar, Rajeev Nagar Gali, Kanti Factory Road, Kankarbagh, Patna-26. .... APPLICANT.

By Advocate :- Shri M.P.Dixit.  
 Shri S.K.Dixit.

Vs.

1. The Union of India through the General Manager, E.C.Railway, Hazipur.
2. The Divisional Railway Manager, E.C.Railway, Sonpur, Distt – Saran.
3. The Sr. Divisional Personnel Officer, E.C.Railway, Sonpur, Distt – Saran.
4. The Sr. Divisional Commercial Manager, E.C.Railway, Sonpur, Distt – Saran.
5. The Sr. Divisional Financial Manager, E.C.Railway, Sonpur, Distt – Saran. .... RESPONDENTS.

By Advocate :- Shri A.K.Choudhary, ASC.

O R D E R

Shankar Prasad, M[A] :- By this OA the applicant seeks a direction for quashing of the charge sheet and grant of consequential benefits e.g., release of DCRG, Commutation of Pension, etc.

2 [a] While the applicant was working as Commercial Superintendent-I, Hazipur, he was served with a charge sheet dated 14.07.2000. The applicant submitted a reply and asked the charge sheet to be dropped for the reasons stated therein. An inquiry officer was appointed on 26.09.2000. The E.O. Submitted his report that even though the machine was

working at the time of inspection by vigilance wing, the applicant had booked luggage on that day on SWA. The applicant had submitted a detailed representation on 11.07.2002, amongst others, highlighting that -

[i] One of the defence documents denied was information regarding reweighment at destination station which was denied. This was in respect of charge no.2.

[ii] One of the defence documents showed that the weighing machine was defective from 11.02.1999. A new machine was supplied on 26.02.2000. File T/225/Weighing Machine/92/Pt. in your office may be seen.

[iii] His action is in consonance with Rule 914 of IREM Vol.I.

[b] The applicant superannuated from service on 30.06.2005.

3. The respondents in their reply have, amongst others, stated as under :-

[a] In para 11 they have stated that on receipt of applicant's reply an internal inquiry in the nature of fact finding only was carried out.

[b] One Shri Ajit Kumar Srivastava, Inspector Vigilance was appointed as EO.

Nothing is stated either in the reply or in the reply to rejoinder as to why have the proceedings been forwarded to the President for orders as the applicant has superannuated.

4. We have heard the learned counsels.

5. The Apex Court in Union of India Vs. R.K.Parija; 1995 SCC [L&S] Pg. 196 has held as under :-

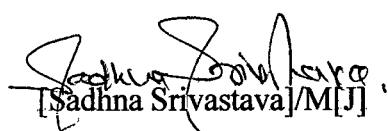
“1. Leave granted.

2. Heard Parties. There is no doubt that the employee was suspended from the year 1984 and the charge-sheet was served on him in the year 1988. The inquiry is not yet completed. The Tribunal was, therefore, right in ordering reinstatement of the employee. However, the Tribunal travelled beyond its jurisdiction in quashing the charges and the disciplinary proceedings themselves. We are informed that in pursuance of

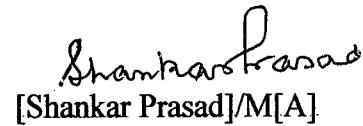
the order of the Tribunal the respondent-employee has been reinstated in service.

3. We, therefore, quash that part of the order of the Tribunal by which the Tribunal had quashed the charges and the disciplinary proceedings, and permit the appellant-Union of India, if it so intends, to proceed with the inquiry. However, the appellant is directed to complete the inquiry within 6 months from today. The appeal is allowed accordingly with no order as to costs."

6. We dispose off this OA by giving a direction to the disciplinary authority competent to impose punishment under 'Railway Servant[Discipline &Appeal] Rules' to form his opinion within three months of the receipt of the order. In case he finds that the matter has to be referred to the competent authority, the competent authority will pass the orders within six months of the receipt of the proposal. OA stands disposed off accordingly. No costs.



[Sadhna Srivastava]/M[J]



[Shankar Prasad]/M[A]

skj.