

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

DA.NO. 804/88

Shri A.N.Bhanot
B.L.Godara,
Shantabai Ki Chawl,
Near "F" Cabin, Kalyan,
Dist. Thane.

.... Applicant

V/S.

The Divisional Railway Manager,
Central Railway, Bombay V.T.

.... Respondent

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri M.Y.Priolkar

Appearances :

Shri L.M.Nerlekar
Advocate
for the Applicant

Shri J.G.Sawant
Advocate
for the Respondent

ORAL JUDGMENT

Dated: 2.1.1989

(PER: M.B.Mujumdar, Member (J))

Heard Mr.L.M.Nerlekar, learned advocate for the applicant and Mr.J.G.Sawant, learned advocate for the respondents.

2. While the applicant was working as Assistant Driver under Loco Foreman (O) Bombay V.T., he was placed under suspension by order dated 6.4.1987. On 9.4.1987 a statement containing one charge was served on him. The charge is that he disregarded the orders in that he failed to depose and produce the documentary and oral evidence before the Enquiry Officer appointed to investigate the representations dated 13.2.1987 and 13.3.1987 made by him. In the representations he had pointed out to the administration some irregularities and grievances against Shri J.V.S.Shidhodia, his superior officer. The applicant had requested in the enquiry that one Shri A.S.Badve should be appointed as his Assisting

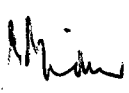
Railway Employee. As that request was refused, he filed DA.323/88. By order passed on 10.6.1988 we disposed of that application by directing the respondents to allow the said Badve to assist the applicant in enquiry. Thereafter the enquiry was adjourned from time to time and now it is fixed for tomorrow i.e. 3.1.1989.


2. On 1.11.1988 the applicant has filed this application praying, (i) for enhancing the subsistence allowance to full pay and allowances, and (ii) for directing the respondents to revoke the suspension. By way of interim relief, he has requested for directing the respondents to pay full payment by way of subsistence allowances.

3. It is true that the applicant is under suspension for nearly one year and 9 months. Mr.Sawant stated that the enquiry could not be completed because the applicant was not cooperating with the Enquiry Officer. This was refuted on behalf of the applicant. However, without entering into the merits of these contentions, we feel that the interest ~~and~~ of justice would be served if the respondents are directed to complete the enquiry within a reasonable period. Mr. Nerlekar stated that the applicant will fully cooperate with the enquiry officer in concluding the enquiry expeditiously.

4. We, therefore, pass the following order.

- (i) The application is rejected summarily.
- (ii) The respondents shall complete the enquiry within three months from today. The applicant to cooperate with the Enquiry Officer in seeing that the enquiry is completed expeditiously. No order as to costs.


(M.Y. Priolkar)
Member (A)


(M.B. Mujumdar)
Member (J)