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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

NEW BOMBAY BENCH
CIRCUIT SITTINGS AT NAGPUR

O.A. No. 313/88

198

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DATE OF DECISION 22.6.1988

Shri Shamlalsingh S. Rajput, Petitioner

Shri Vishwas Sohani Advocate for the Petitioner(s)

Versus

Divisional Railway Manager & Anr. Respondent

Smt. Shinde. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman,

The Hon'ble Mr. P. Srinivasan, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement? - yes
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? / no
4. Whether it needs to be circulated to other Benches of the Tribunal?

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT SITTINGS AT NAGPUR

Original Application No.313 of 1988

Shri Shamlalsingh S. Rajput,
Ward No.18,
Station Area,
Murtizapur,
Dist: Akola.

.. Applicant.

V/s.

Divisional Railway Manager(P),
M.G. Hyderabad, South Central Rly.,
Office of D.R.M.(P)/MG/Hyb/SCR,
Near Secunderabad Station,
Secunderabad.

General Manager,
South Central Railway,
Secunderabad.

.. Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C. Gadgil
Hon'ble Member(A), Shri P. Srinivasan.

Appearance:

1. Shri Vishwas Sohani,
Advocate
for the applicant.
2. Smt. Shinde
Advocate
for the respondents.

ORAL JUDGMENT:-

Dated: 22.6.1988

(PER: Shri B.C.Gadgil, Vice-Chairman)

Heard Mr. Sohoni for the applicant and Mrs.
Shinde for the respondents.

2. The applicant who is a Head Travelling Ticket Examiner at Akola has been transferred vide the impugned order dated 12/18th January 1988 to ~~Vishakhapatnam~~ ^{Vijayawada}. It is this order that is challenged before us. We are informed that some vigilance enquiry is pending against the applicant and that the department is not able to complete that enquiry in view of the presence of the applicant at Akola. An allegation is made in the reply

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that is filed before us that the applicant is obstructing the said enquiry. It is true that Mr. Sohoni denies this allegation. His another grievance is that the department has not completed the investigation for about 11 months which have already lapsed from the date of alleged incidence and that this should give an indication that the department intends to take an attitude of vengeance against the applicant. We do not intend to consider this aspect at the same time we feel that it would be in the interests of all if the investigation is completed within a reasonable time and ~~an~~ appropriate action in pursuance of that investigation is taken. Mr. R. Parashuramulu, Assistant Personnel Officer, South Central Railway is present to day before us. He made a statement that the department will complete the investigation before 30th September 1988, and take a decision as to whether any departmental proceedings are to be initiated or not. Of course he also stated that the completion of the investigation will depend upon the applicant making himself available during that investigation ^{by} ~~after~~ reporting for duty. Mr. Parashuramulu has also stated that the applicant who is occupying the Railway quarter at Akola will be allowed to retain that quarter at normal rent for a period of two months from the date of reporting for his duties at ^{Vijayawada} ~~Vishakhapatnam~~. In our opinion the statement made by Mr. Parashuramulu would meet the ends of justice. However Mr. Sohoni contended that some appropriate order should be passed by us in case the department does not take any action before 30th September 1988 as mentioned above. After taking into consideration all these factors we pass the following orders:

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ORDER

The Department should complete the investigation and take a decision before 30th September 1988 about launching of departmental proceedings against the applicant. If such action is not taken by 30th September 1988, we direct that the impugned order of transfer will stand automatically cancelled from that date. However, we further make it clear that this order will be operative only in case the applicant reports to duty within a fortnight from to-day at ^{Vijayawada} ~~Vishakhapattanam~~ and ^{Cooperates} ~~coordinates~~ in the investigations against him. We further direct that the applicant would be entitled to retain the Railway Quarter at Akola on normal rent for a period of three months from the date of his joining duty at ^{Vijayawada} ~~Vishakhapattanam~~.

With these directions the application is disposed of ~~A~~ with no order as to costs.


(P. Srinivasan)
Member (A)


(B.C. Gadgil)
Vice Chairman