

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

TRANSFERRED APPLICATION NO. 182/86

Shri Hari Chintaman Deshmukh
Senior Clerk
Establishment Branch(BCT)
Western Railway
Bombay,
residing at 188 Aram Nagar Part-II
Jaiprakash Road
Andheri(West)
Bombay-400061

Applicant

V/s.

1. Union of India
through General Manager
Western Railway
Churchgate
Bombay 400020
2. Senior Divisional Personnel Officer(BCT)
Western Railway
Bombay Central
Bombay 400008
3. Shri P.S. Nair
A.P.O. Western Railway
Bombay Central
Bombay 400008
4. Official Liquidator
Western Railway Employees
Cooperative Society
Senapati Bapat Marg
Dadar(W)
Bombay-400028

Respondents

Coram : Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) J G Rajadhyaksha

Appearance:

Mr. J J Limaye
Advocate
for the Applicant

Mr. R.C. Master
Advocate
for the Respondents

TRIBUNAL'S ORDER
(PER: B C GADGIL, VICE CHAIRMAN)

DATED : 2.2.1988

Mr. J.J. Limaye for the applicant.

Mr. R.C. Master for the respondents.

The applicant has filed an affidavit that he wants
to withdraw the Transferred Application No. 182/86. That

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY
NOTICE OF MOTION NO. 2704 OF 4/5/1983.
IN
S.C. SUIT NO. 2939/1983.

Hari Chintaman Deshmukh. .. Plaintiff.

Vs.

S. Sarath, General Manager,
Western Rly. & Ors. .. Defendants.

Coram :- His Honour Judge Shri R.V. Joshi.
4th
~~2nd~~ August, 1983.

Shri S.S. Fadnis for the Plaintiff.

Shri P.R. Pai for the Defendants.

ORAL ORDER :

By this motion, the plaintiff seeks to restrain the defendants from proceeding further with the inquiry under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968, against the plaintiff.

2. No ad-interim reliefs came to be granted in favour of the plaintiff.

3. Incidentally, it may be observed that there were earlier proceedings between ^{one Shri} Vyas and the two persons against whom the inquiry has been instituted. These proceedings have ended in the filing of the consent terms, which speak for themselves. The object of making reference to these consent terms is to narrate the events which have taken place.

4. It may be observed that the Union of India, through the General Manager of Western Railw

ways, is not a party to the consent terms.

5. The inquiry has now been instituted and Shri Fadnis submitted that it is desirable that the Inquiry Officer should be restrained from proceeding further with the inquiry.

6. It is not a matter of controversy that the plaintiff has already submitted his defences before the Inquiry Officer on 22/3/1983. The preliminary inquiry was fixed on 5/5/1983, and thereafter the matter was adjourned to 16/5/1983, before the Inquiry Officer. On that day, the plaintiff informed the Inquiry Officer that the suit has been filed by him, which is the present suit, lodged on 4/5/1983 and applied for postponement. The plaintiff was given a chance, and the matter was fixed on 10/6/1983.

7. My attention has been invited to the rules and the relevant provisions, for the purpose of impressing upon the court the circumstances under which the inquiry can be held and the scope of such inquiry.

8. On plain propositions, I persuade myself to believe that it is quite possible that the Inquiry Officer may be satisfied ~~that~~ with the explanation which has been given by the plaintiff, and in the course of the inquiry, it is quite likely that the plaintiff might succeed in satisfying the Inquiry Officer with the charges levelled against the plaintiff, ^{as} ~~and~~ without any foundation, in which event, it

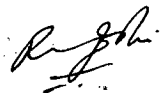
is possible that the inquiry may be dropped.

9. I do not think that time is ripe for a judicial officer to restrain the Inquiry Officer from proceeding further with the inquiry. It is not necessary to dilate the facts of this case. Suffice it to say that the plaintiff has failed to make out a prima facie case for the grant of an injunction. Under the circumstances, I do not see any merit in the motion and therefore, I do not make any order on the motion and in the circumstances, there will be no order as to costs.

O R D E R :

There will be no order on the motion and there will be no order as to costs, under the circumstances mentioned in the order. Suit adjourned to 9/9/1983 for directions.

4/8/1983.


Judge,
City Civil Court,
Bombay.