

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 <sup>one Shri</sup> Vyas and the two persons against whom the inquiry has been instituted. These proceedings have ended in the filing of the consent terms, which speaks 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 ~~xxxx~~ 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, <sup>as</sup> 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.

*R. John*  
Judge,  
City Civil Court,  
Bombay.