

CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH.

Original Application No.642/2001.

Wednesday, this the 12th day of September, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,  
Hon'ble Shri M.P.Singh, Member (A).

S.Y.Kankonkar,  
Helper Khalasi under Suspension.

M.Savari Muthu  
Helper Khalasi,  
Working under ADEE (TRS),  
Kurla, Central Railway,  
Mumbai.  
(By Advocate Shri K.B.Talreja)

...Applicants.

1. The Union of India through  
the General Manager,  
Central Railway,  
Mumbai CST.
2. The Additional Divisional Electrical  
Engineer (Traction)/Central Railway,  
Kurla-Mumbai.
3. Shri K.S.Abraham,  
Assistant Enquiry Officer,  
Vigilance Office,  
Central Railway,  
Mumbai CST.

...Respondents.

: O R D E R :

Shri M.P.Singh, Member (A).

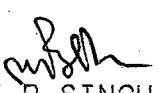
Applicants have filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking directions to Respondents to follow procedure as laid down in Railway Servants (Discipline & Appeal) Rules, 1968 and give the applicant fair/reasonable opportunity to defend their case and also supply them all the relied upon documents.

2. Brief facts of the case as stated by the applicants are that they were appointed as Khalasi in Railways and were promoted to the post of Helper Khalasi in March, 1997. On



receipt of some complaint, they were issued with a charge sheet and without following due process of law they were dismissed from service w.e.f. 1.8.2000. The applicants preferred an appeal to the Appellate Authority. The Appellate Authority set aside the order of the Disciplinary Authority and reinstated them in service and thereafter a de-novo enquiry has been ordered against the applicants. According to the applicants, the de-novo enquiry that is being held against them is without following due process of law and also principles of natural justice. Both the applicants have made representations to the disciplinary authority on 23.8.2001. Till now respondents have not taken any decision on the representations.

3. Heard the Learned Counsel for the applicants. After hearing the Learned Counsel and perusing the record, we feel that ends of justice will be met, if we direct the Respondent No.2 to consider the representation of the applicants dt. 23.8.2001 and also consider this Original Application as a part of the representation and take a decision by passing a speaking, detailed and reasoned order. We accordingly direct the applicant to submit a copy of this judgment along with a copy of original application to the respondents within three days from today. Thereafter, the respondents shall decide the representations of the applicant within a period of two weeks. The OA is decided with the above direction at the admission stage. In the meantime, the Respondents are restrained from conducting any further enquiry.

  
(M.P.SINGH)  
MEMBER (A)

  
(BIRENDRA DIKSHIT)  
VICE-CHAIRMAN

B.