

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH,
CAMP AT AURANGABAD.

Original Application No.654/2001.

Monday, this the 3rd day of ~~December~~, 2001.

Hon'ble Shri S.R.Adige, Vice-Chairman (A),
Hon'ble Shri S.LLJain, Member (J).

Mangilal M.Baniya,

Rly. Quarters No.133/E,
Opp. Rly. Hospital,
Railway Colony, Nandurbar,
western Railway.

...Applicant.

v.

1. The Union of India,
Represented by the
General Manager,
Western Railway,
Churchgate,
Mumbai - 400 020.
2. The Divisional Railway Manager,
Western Railway,
Mumbai Division,
Mumbai Central,
Mumbai.
3. The Sr. Divisional Engineer,
DRM Office, Mumbai Central,
Mumbai.
4. Shri K.Gopinath,
Assistant Personnel Officer,
Churchgate,
Mumbai - 400 020.

... Respondents.

O R D E R (ORAL)

By S.R.Adige, Vice-Chairman, (A).

None present for the applicant.

2. Perused letter dt. 23.1.2001 filed by applicant's counsel seeking re-transfer of the case to Mumbai Bench for hearing. As the OA has already been transferred from Mumbai to Aurangabad, the prayer for its re-transfer to Mumbai is rejected.

3. Applicant impugns the charge sheet

...2.

dt. 25.10.2000 (Ex. 'D') and prays that pending final disposal of the OA, proceedings before the Enquiry Officer in respect of the charge sheet dt. 25.10.2000 be stayed.

4. In the grounds taken in the OA, it is charge sheet contended that first major penalty was issued on 14.8.1996 and a full procedural enquiry was held giving reasonable opportunity to all the parties concerned to be heard and was disposed of by awarding the punishment of censure by order dt. 16.2.1998. It is stated that the charge sheet dt. 25.10.2000, is therefore, illegal.

5. We note that applicant has filed a representation dt. 10.11.2000 (Exh. 'E') followed by another representation dt. 20.9.2001 (Exh. 'G'), on the same lines.

6. We dispose of the OA at this stage with a direction to Respondents to pass a detailed speaking and reasoned order on the aforesaid two representations, in accordance with Rules and Instructions under intimation to the applicant within three months from the date of receipt of copy of this order.

7. Till the aforesaid directions are implemented, Respondents should not proceed further with the disciplinary proceedings against applicant.

8. If after disposal of the aforesaid two representations, applicant is still dis-satisfied

it will be open to him to challenge the orders passed by the respondents through appropriate original proceedings in accordance with law, if so advised.

9. The OA is disposed of accordingly. No Costs.

S.L. Jain
(S.L.JAIN)
MEMBER (J)

S.R. Adige
(S.R.ADIGE)
VICE - CHAIRMAN (A)

B.

order/... despatched
to Applicant, Respondent (s)
on ~~14/2/07~~ *13/12/07*

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