

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-38.

Dated: 10 FEB 1994

APPLICATION NO(s) 179 of 1994.

APPLICANTS: D. B. Mariswamy v/s. RESPONDENTS: Chairman, Railway Board,  
New Delhi and Others.

TO.

1. Sri.K.V.Shamanna, Advocate,  
No.1465,14th Main Road,  
West of Chord Road,  
Mahalakshmipuram, Bangalore-86.
2. The General Manager,  
Southern Railways,  
Park Town, Madras-600003.
- 3.

SUBJECT:- Forwarding of copies of the Orders passed by  
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the  
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal  
in the above mentioned application(s) on 25-01-1994.

gm\*

*for* *Se Shanhar* 10/2  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.  
*Se Shanhar*  
*gm*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.179/94

TUESDAY THIS THE 25TH DAY OF JANUARY, 1994

MR. JUSTICE P.K. SHYAMSUNDAR

VICE CHAIRMAN

MR. T.V. RAMANAN

MEMBER (A)

D.B. Mariswamy,  
Aged about 56 years,  
Assistant Engineer/Construction  
Southern Railway,  
Mysore  
residing at  
No.VRC/1, Vontikoppal Railway Colony,  
Yadavagiri,  
Mysore - 20

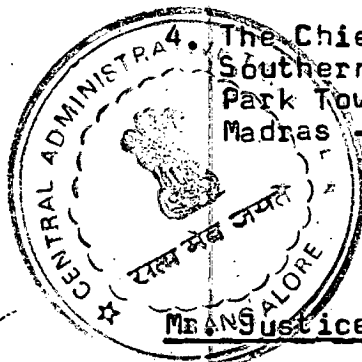
Applicant

(By Advocate Shri K.V. Shamanna)

v.

1. Union of India,  
represented by  
the Chairman,  
Railway Board,  
New Delhi
2. The General Manager,  
Southern Railway,  
Park Town,  
Madras - 600 003
3. The Chief Personnel Officer,  
Southern Railway,  
Park Town,  
Madras - 600 003
4. The Chief Engineer,  
Southern Railway,  
Park Town,  
Madras - 600 003

Respondents



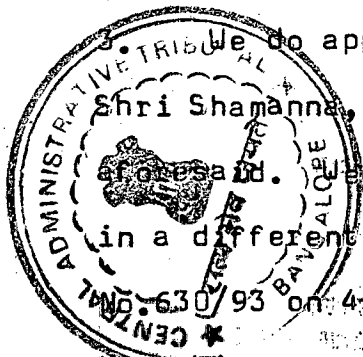
ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, Vice Chairman

Admit.

2. The grievance of the applicant is that he has

not been promoted to the higher grade on the ground that a departmental enquiry is pending against him. In the departmental enquiry, he was indicted on having committed some misconduct in the year 1986-87 in the matter of execution of some contract work by a contractor who is stated to have made use of inferior material which ought not to have been permitted by the applicant who was the Assistant Engineer in-charge. This misdeed was alleged to have been committed by the applicant in collusion with the Contractor and other officials who are said to have shared the booty collectively. It is pointed out that if there was any truth in these allegations, an investigation should have followed immediately after the alleged misdeed in the year 1986-87. But, some five years later, a charge-memo had been issued on 13.7.92. Although the charges have been denied, no enquiry is forthcoming. In the meanwhile, Shri Shamanna, learned counsel for the applicant tells that his client is due to retire although not shortly but in 18 months time and if the enquiry continues to be pending, it will quite likely come in the way of securing pensionary benefits and if that happens, it will be a great hardship and a severe blow to the applicant.

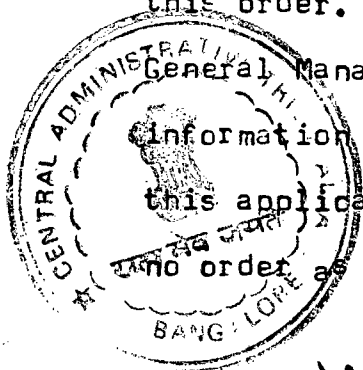


We do appreciate the submissions made by Shri Shamanna, learned counsel for the applicant as aforesaid. We had occasion to deal with the applicant in a different context when we disposed off O.A. No. 630/93 on 4.10.93. Therein the complaint made was that his promotion had been held up. However, we

did mention while disposing off the O.A. referred to supra that the Department should proceed and conclude that enquiry as soon as possible subject to the applicant cooperating with the Department.

4. Shri Shamanna assures that on the part of his client there was no delay. He is ready to cooperate with the Department in order to get rid of the enquiry as soon as possible. If that is so, we do not see why the department should be dragging its feet in not concluding the enquiry as expeditiously as possible.

5. In the circumstances, all that we are to do is to direct the General Manager, Southern Railways, Madras, who is R-2 herein to proceed and conclude the enquiry pending against the applicant within four months from the date of receipt of a copy of this order. Copy of this order be sent to the General Manager, Southern Railways, Madras for information and compliance. With this observation, this application stands disposed off finally with no order as to costs.



Sd-  
( T.V. RAMANAN )  
MEMBER (A)

Sd-  
( P.K. SHYAMSUNDAR )  
VICE CHAIRMAN

**TRUE COPY**

Sd-  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL SECRETARY  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Miscellaneous Appln.No.327 of 1994 in

Dated:- 26 AUG 1994

APPLICATION NUMBER: 179 of 1994

**Sri.D.B.Mariswamy** v/s. **Chairman,Railway Board,N.Delhi & Others.**  
APPLICANTS: RESPONDENTS:

To.

1. **Sri.K.V.Shamanna, Advocate, No.1465,  
14th Main Road, West of Chord Road,  
Mahalakshmiपुरam, Bangalore-86.**
2. **Sri.A.N.Venugopala Gowda, Advocate,  
No.8/2, Upstairs, R.V.Road,  
Opp:Bangalore Hospital, Bangalore-4.**

Subject:- Forwarding of copies of the Orders passed by the  
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above  
mentioned application(s) on 10-08-94.

Old  
Issued on 26-8-94  
Gaj

for *S. Shanmugam*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

**In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore**

Application No. 179 of 1994

ORDER SHEET (contd)

D.B. Mariswamy V/s. Chairman, Railway Board, Delhi and Others

Date

Office Notes

Orders of Tribunal

PKS(VC)/TVR(MA)

10.8.94

ORDERS ON M.A.No.327/94 FOR EXTENSION OF TIME

Heard both sides.

In the circumstances, we think it appropriate to extend time for compliance with the directions of this Tribunal made in O.A.No.179/94 by a further period of two months from the date of this order.



Sd/-  
MEMBER (A)

Sd/-  
VICE CHAIRMAN

TRUE COPY

S. Shankar  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

**B-683**

**In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore**

C.P.(CIVIL) Application No. 66 of 1994

IN O.A.No.179/94  
ORDER SHEET (contd)

D.B. Marikwamy Vs General Manager, Southern Railway, New Delhi

Date	Office Notes	Orders of Tribunal
		<p>VR(MA)/ANV(MJ)</p> <p>15.02.1995</p> <p>We have heard Shri Shamanna for the complainant and Shri A.N. Venugopal for the respondent department. The direction of the Tribunal in O.A.No.179/94 disposed of on 25.1.1994 was that the General Manager, Southern Railway, should proceed and conclude with the enquiry pending against the complainant within a certain period. Shri Venugopal now tells us that the proceedings against the complainant are for imposition of major penalty and that in terms of the relevant rules, only Railway Board is the competent disciplinary authority. In view of the position brought out now, the fact that the post of General Manager, Southern Railway, is vacant at present is not material. Shri Venugopal prays for extension of some time as the matter has to be considered by the Railway Board who are to pass appropriate orders.</p> <p>After hearing both sides, we deem it appropriate to extend time upto 31.3.1995 keeping in view the fact that the complainant is retiring in July, 1995.</p> <p>Sd/- MEMBER (J)</p> <p>Sd/- MEMBER (A)</p> <p><b>TRUE COPY</b></p> <p><i>[Signature]</i> Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>