

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 124193.

M.N.Chauhan .Applicant

Mr. P.G.Zare .Advocate for  
Applicant.

Versus

Union of India & Anr. .Respondent(s)

Mr.S.C.Dhawan .Advocate for  
Respondent(s)

CORAM :

Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,

Hon'ble Shri B.N.Bahadur, Member (A).

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to  other Benches of the Tribunal?

*R.G. Vaidyanatha*  
(R.G. VAIDYANATHA)  
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 1241/93.

Tuesday, this the 27th day of July, 1999.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,  
Hon'ble Shri B.N.Bahadur, Member(A),

M.N.Chauhan,  
Vidya Nagari,  
Somwar Peth,  
Budhwar Bazaar,  
Nagpur - 440 009.  
(By Advocate Mr.P.G.Zare)

...Applicant.

Vs.

1. Union of India through  
the General Manager,  
Central Railway,  
Bombay V.T.
2. Union of India through  
the General Manager,  
Railway Electrification,  
Central Organisation,  
Allahabad (U.P.).  
(By Advocate Mr. S.C.Dhawan)

...Respondents.

: ORDER : (ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application challenging the Disciplinary Proceedings and to restrain the respondents from holding enquiry on the basis of the charge sheet (Ex. I). The Respondents have filed reply opposing the application. We have heard the learned counsels appearing on both sides.

2. In the present O.A., the applicant is challenging the respondents proceeding with the departmental enquiry. The charge sheet is at page 8 dt. 5.1.1988. Then, we find that subsequently an Enquiry Officer has been appointed.



Now, at this stage, it is brought to our notice by the Respondents counsel that the enquiry has been completed and the Disciplinary Authority will have to pass appropriate orders after observing the formality of sending copy of the enquiry report to the applicant, if not already sent.

Since it is now brought to our notice that the enquiry has been completed, we do not want to go into the question of the legality and validity of the charge sheet.

3. Even, the learned counsel for the applicant fairly submitted that he would be satisfied at the present if the proceedings come to an end as expeditiously as possible, since the matter is pending for the last 12 years. He further submits that, he is also aggrieved by the fact that the full salary is not paid for the suspension period. Naturally, the applicant cannot be paid full salary for the suspension period till the final order is passed in the disciplinary case.

In the facts and circumstances of the case, we feel that without going into the rival contentions, the Respondents should be directed to expedite passing of final orders in the disciplinary case. If the applicant is exonerated or the enquiry is dropped then the matter comes to an end, in case applicant is held guilty and if any penalty is given it is open to the applicant to challenge the same before the Appellate Authority and subsequently he can even approach this Tribunal. Therefore, we are keeping all rival conventions open. Hence, without ~~expressing~~ examining any view on the rival contentions, we feel that the OA should be disposed of with suitable directions to the respondents to expedite the disposal of the Disciplinary Enquiry case.

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4. In the result, the OA is disposed of with a direction to ~~re~~ <sup>right</sup> ~~down~~ pass final orders in the Disciplinary Enquiry case as early as possible and preferably within a period of four months from the date of receipt of copy of this order. This order is passed without prejudice to the representations and contentions of both the parties on merits. Needless to say, that if any adverse order is passed, the applicant can challenge the same according to law. No order as to costs.

B.N.Bahadur

(B.N.BAHADUR)  
MEMBER(A)

R.G.Vaidyanatha

(R.G.VAIDYANATHA)  
VICE-CHAIRMAN

B.