

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 87/97

Date of Decision: 3.2.97.

Narendra Pandurang Petitioner/s

Shri D.V.Gangal. Advocate for the Petitioner/s

V/s.

Union of India and others. Respondent/s

Shri V.S.Masurkar. Advocate for the Respondent/s

CORAM:

Hon'ble Shri M.R. Kolhatkar, Member(A)

Hon'ble Shri D.C. Verma, Member(J)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

M.R.Kolhatkar
(M.R. Kolhatkar)
Member(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY.1

Original Application No. 87/97

Monday the 3rd day of February 1997.

CORAM: Hon'ble Shri M.R. Kolhatkar, Member(A)

Hon'ble Shri D.C. Verma, Member(J)

Narendra Pandurang
Junior Clerk
Electric Locomotive
Workshop, Central
Railway, Bhusawal.

... Applicant.

By Advocate Shri D.V. Gangal.

V/s.

The Union of India through
The General Manager,
Central Railway,
Mumbai CST.

The Senior Electrical Engineer
(PPI) Electric Locomotive
Workshop, Central Railway.
Bhusawal.

The Chief Workshop Manager
Electric Locomotive Workshop
Central Railway. Bhusawal

Shri C.S. Khadilkar,
SPO(M)/Dy. CPO(EL) BBVT
(Retired), Flat No.3,
Plot No.50, Shri Sai Darshan
Co-Op. Housing Society
Ghandinagar, Manpada Road
Dombivli East.

Shri K. Rajaihah
Senior Personnel Officer,
Central Railway, Parel Workshop,
(retired), 8/708,
Dr. Baliga Nagar,
7th floor, Dharavi,
Mumbai.

... Respondents.

By Advocate Shri V.S. Masurkar.

¶ Per Shri M.R. Kolhatkar, Member (A) ¶

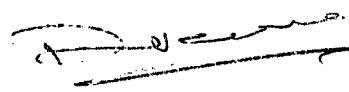
Heard counsel for the parties.

2. Shri Masurkar states that the Enquiry Officer has submitted his enquiry report on 30.9.96, to the Disciplinary Authority. In this case, ad-interim ex parte relief was given, restraining the respondents from disciplinary proceedings any further and restraining them from passing final order. In para 4 of the ad-interim order it was stated that notice may be issued to file reply with reference to O.A. and in particular the interim relief and as to why two requests made by the applicant reproduced below cannot be considered before finalising the enquiry namely " (i) witnesses C.S. Khadilkar and Rajesh be called and examined (ii) recorded statement of Khadilkar be given to him. " It would thus be seen that the ad-interim order was passed on the footing that the enquiry has not been finalised.

3. In view of the statement made by the learned counsel for the respondents that the enquiry report stands submitted, we cancel the interim relief passed earlier. We have been told that the respondents, owing to some difficulty, could not serve a copy of the report of the Enquiry Officer to the applicant so far.

The respondents are directed to give a copy of the enquiry report to the applicant and applicant is at liberty to raise all contentions about the validity of the enquiry, while sending his representations on the Enquiry report. The disciplinary authority would deal with the same as per rules and on merits before passing any order notwithstanding that the Disciplinary Authority had earlier rejected the representation by letter of 28.12.96.

4. In view of the above and since we are not inclined to interfere with the action of the respondents till final orders on the enquiry are passed and the applicant exhausts the Departmental remedies by way of appeal etc. We dismiss the O.A. at the admission stage itself. It may be clarified that nothing that has been said in the interim relief of in the present order may be construed as prejudging the merits of this case.


(D.C. Verma)
Member (J)


(M.R. Kolhatkar)
Member (A)

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