

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 726/97

Transfer Application No.

Date of Decision 1.9.1997

L.S.Meena

Petitioner/s

Shri D.V.Gangal

Advocate for  
the Petitioners

Versus

Union of India & Ors.

Respondent/s

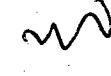

Shri Suresh Kumar


Advocate for  
the Respondents

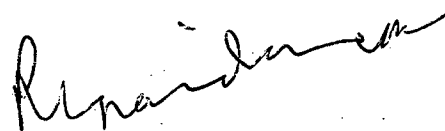
CORAM :

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

Hon'ble Shri. P.P.Srivastava, Member (A)

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

  
(P.P.SRIVASTAVA)  
MEMBER (A)

  
(R.G.VAIDYANATHA)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

OA.NO.726/97

Dated this the 1st day of September, 1997

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri P.P.Srivastava, Member (A)

L.S.Meena,  
Head Clerk,  
Office of the Chief Claims Officer,  
Central Railway, Mumbai.

By Advocate Shri D.V.Gangal

... Applicant

V/S.

1. The Union of India through  
the General Manager, Central  
Railway, C.S.T., Mumbai.
2. Smt.Sharmila Sandhu,  
Deputy Chief Claims Officer,  
Chief Claims Officers Office,  
Central Railway, C.S.T.,  
Mumbai.
3. The Senior Commercial Manager,  
Chief Claims Officers Office,  
C.S.T., Mumbai.

By Advocate Shri Suresh Kumar

... Respondents

O R D E R

(Per: Shri Justice R.G.Vaidyanatha, V.C.)

This is an application filed by the  
applicant for quashing the order dated 30.4.1997  
and 7.8.1997 and also for I.R. to stay the punishment  
imposed under the order dated 30.4.1997. Heard both  
the sides.

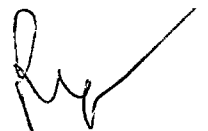
2. As far as main relief is concerned, an appeal,  
according to the applicant, has been lodged and there-  
fore, nothing can be done by this Court to interfere  
with the order unless the appeal is disposed of. If

*[Signature]* 2/-

the applicant has filed an appeal as stated in the OA., then we direct the respondents to dispose of the appeal expeditiously.

3. The learned counsel for the applicant submits that till the disposal of the appeal, the imposition of the punishment may be stayed under the order dated 30.4.1997, by which the increment for one year is withheld and therefore the increment which is due on 1.9.1997 has been postponed by one year. If the applicant succeeds, he will be entitled to get all arrears. Therefore, this is not a fit case for our interference.

4. Other grievance of the applicant is validity of the show cause notice dated 7.8.1997 issued by Dy. Chief Claims Officer. The learned counsel for the applicant contended that the show cause notice dated 7.8.1977 is illegal and without jurisdiction. Learned counsel for the respondents has rebutted this contention. In our view, this is not a fit case for this Tribunal's interference at this stage in the facts and circumstances. The matter is still at the stage of show cause notice. The applicant can give reply to show cause notice by giving all reasons. Then it for the authority to pass order. If he is aggrieved by the order passed by the competent authority, he will be at liberty to approach this Tribunal in accordance with law. All the contentions of the applicant regarding validity or otherwise of the show cause notice dated 7.8.1997 are hereby left open.

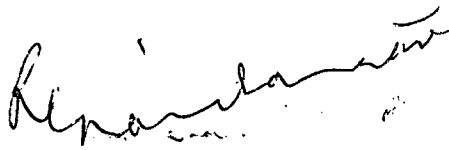


5. In the result, the application is disposed of with the following directions :-

- (1) If the applicant has preferred an appeal to the competent authority, as stated in the application, the appellate authority is to decide the appeal expeditiously preferably within four months.
- (2) Liberty is given to the applicant to submit his reply to the show cause notice dated 7.8.1997 within four weeks from today. All contentions taken by the applicant regarding this show cause notice in this application are left open. If the applicant files reply to the show cause notice, the competent authority shall dispose of the same according to law within four months.

  
(P.P.SRIVASTAVA)

MEMBER (A)

  
(R.G.VAIDYANATHA)

VICE CHAIRMAN

mrj.