

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 15.7.93.

TA 748/86
(CS 679/83)

MANGU SINGH
Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON. MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.
HON. MR. O.P. SHARMA, ADMINISTRATIVE MEMBER.

For the Applicant ... SHRI MAN SINGH.

For the Respondents ... SHRI S.P. BHARGAVA.

PER HON. MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

The applicant, a waiter in the Western Railway, filed this suit in the court of learned Munsif, Jaipur. There was an allegation against him that on 23.5.82, he supplied food to the passengers and charged some excess amount. The second allegation was that on 21.5.82, he came on duty but he was not in the proper uniform. An enquiry was conducted against the applicant, and the charges against him were held as proved. The applicant's contention is that two crucial witnesses Mr. Surana and Mr. Srivastava had not been examined during the enquiry. The second contention of the applicant is that no final orders have been passed so far. The respondents have also stated in their reply in para 7 that no order of termination has been passed against the applicant. In para 12, they have stated that the order of termination has been passed but they could not be executed. The applicant has filed this application praying that order of termination may not be passed without giving a proper opportunity of defending himself, to the applicant.

2. Since no final order after holding enquiry has yet been passed, the respondents may pass final order after taking into consideration the gravity of the misconduct of the applicant, ground raised by him that two crucial witnesses were not examined and also the fact that action to be taken now would be after a delay of about ten years after the alleged misconduct.

3. The TA is disposed of with the direction that the respondents should pass an appropriate order according to law after taken into consideration the observations made in para 2 above.

4. No order as to costs.

(O.P. SHARMA)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN