

113

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.1218 of 1994.

Date: 5th August 1996

Between:

Pratap Chandra Mishra. .. .. Applicant.

and

The Union of India, represented by  
its General Manager, South Central  
Railway, Rail Nilayam, Secunderabad. Respondent.

Counsel for the Applicant: Shri N.Rama Mohan Rao

Counsel for the Respondent: Shri D.F.Paul, Standing  
Counsel for Respondent.

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN. *will*

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (A) *8/9*

....

O.A.No.1218/94.

114  
Date: 5-8-1996

JUDGMENT:

Per M.G.Chaudhari, J.

The applicant, Pratap Chandra Mishra, is a Member of Indian Railway Stores Service and has been working as Senior Systems Manager at Electronic Data Processing Centre, South Central Railway, Secunderabad.

2. By Memorandum No. P/SC/227/S/46 dated 4-2-1992 he was informed that enquiry under Rule 9 of the Railway Servants(Discipline and Appeal)Rules,1968, was proposed to be held against him for contravening Rule 3(1)(i) and (iii) of Railway Services (Conduct)Rules,1966, on the charge set out in the Articles of Charge and detailed in the Statement of Imputation of Misconduct annexed thereto.

3. The applicant has challenged the said Memorandum by filing this O.A., on 27--9--1994, and prays that the same may be quashed and set aside <sup>as</sup> it being arbitrary, illegal, unjust and improper and based on impermissible grounds, and to restrain the respondent (i.e., Union of India through General Manager, South Central Railway) from proceeding further with the proposed enquiry.

4. The charge relates to alleged misconduct committed during the period from December, 1989 to January, 1990 on different dates. During that time, applicant was working as Senior System Analyst, EDP Centre, South Central Railway, Secunderabad.

*[Signature]*

9135

5. There are two counts of charge levelled which read as follows:

Article I:

That the said Shri P.C.Mishra, while functioning as DCOS at Hubli, and SSO at Secunderabad, during the period from December, 1989, to January, 1990, misused the on 20-12-89, 31-12-89, 23-1-90, 26-1-90 27-1-90 and 31-1-90 by allowing an unauthorised lady to travel with him in place of his wife, Mrs. Archana Mishra, as detailed in the imputations.

Article II

Functioning as DCOS at Hubli and SSO at Secunderabad, during the period from October 1988 onwards, committed misconduct by his illicit relationship with Miss N. Namratha, Jr. Clerk, DCOS' Office, Hubli, as detailed in the imputations.

6. It is alleged that in committing these acts the applicant failed to maintain absolute integrity and acted in a manner unbecoming of a Railway Servant and contravened Rule 3(1)(i) and (iii) of Railway Services (Conduct) Rules, 1966.

7. The applicant denied the charges in his reply dated 6-2-1992 filed in answer to the Memo.

8. The applicant, inter alia, contends as follows:

- i) The imputations made against him are based upon reckless and baseless allegations falsely levelled by his

*hll*

former wife owing to their estranged relations, and the initiation of the enquiry on that basis is illegal.

- ii) That the failed relationship of an employee and his former wife cannot form the subject matter of misconduct and cannot be enquired into by the respondent.
- iii) The charges levelled have damaging effect upon his service prospects and his reputation is at stake. These amount to defamation.

He, therefore, contends that the charges levelled are fit to be quashed, for otherwise he will be subjected to untold misery and agony if the enquiry is proceeded with, besides it being an illegal exercise of disciplinary jurisdiction.

9. The respondents resist the application.

They inter-alia contend that the Disciplinary Authority ordered the enquiry to be held with a view to bring out the truth in the charges levelled.

10. Mr. Ram Mohan Rao, the learned counsel

for the applicant, has tried to convince us by referring to the material on record that the enquiry is wholly unjustified and is illegal and reiterated the contentions urged in the application. Mr. Paul, the learned Standing counsel for the respondent, on the other hand submitted that there was enough material available on the basis of which the enquiry has been initiated; it is neither an illegal exercise nor

*WRC*

it lacks jurisdiction and that it is open to the applicant to refute the charges and prove his innocence at the enquiry.

11. It is pointed out in the counter that, after the applicant denied all the charges by his reply dated 6-2-1992, the Commissioner of Departmental Enquiries, Central Vigilance Commissioner has been appointed as the Inquiry Officer and a Presenting Officer also has been appointed. However, as the applicant did not attend the enquiry on 29-7-1994 raising certain objections, the Inquiry Officer conducted a preliminary hearing ex-parte and had fixed the next date. Mr. Paul, therefore, submits that the applicant ought to have participated at the enquiry and prove his innocence and the contentions raised by him in the O.A., could be considered at the enquiry. He, therefore, submits that the application may be dismissed.

12. It may be mentioned here that on 28-9-1994 the then Division Bench ordered status quo of the proceedings to be maintained until further orders pending admission and the respondent was directed to file the reply.

The respondent, however, filed the reply dated 28-7-1995 and moved for vacating the stay only on 28-6-96 in M.A.584/96. When the M.A., was moved for orders on 12-7-1996 we preferred to hear the O.A., itself and accordingly it has been finally heard on 23--7--1996. Thus the enquiry has remained stayed so far at its initial stage.

*will*

13. The charges levelled against the applicant are serious in nature. Hence, we have bestowed our careful attention to the submissions of the counsel and have perused the record made available to us. The points that arise for our consideration are as follows:

- ✓ 1) Whether the alleged private and ~~personal~~ <sup>personal</sup> conduct of the applicant, which is not related to the discharge of his duty as Railway servant in any manner, can attract Rule 3(1)(i) and (iii) of the Railway Services (Conduct) Rules, 1966?
- 2) If 'yes' on Point No.1, whether there is prima facie material to justify further proceeding with the Enquiry?
- 3) What Order?

REASONS:

The Memorandum under question has been issued under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. (hereinafter referred to as DA Rules for the sake of brevity), and it is for a Major Penalty prescribed under Rule 6.

The misconduct for which the above power has been exercised is alleged to attract sub-clauses (i) and (iii) of Clause (1) of Rule 3 of Railway Service Conduct Rules (hereafter referred to as 'Conduct Rules') which read as follows:

*huc*

119

: 6 :

(3) General: (1) Every railway servant shall  
at all times --

(i) maintain absolute integrity

(ii)..... ..

(iii) do nothing which is un-  
becoming of railway servant.

sub-Clause (i) relates to maintaining integrity. The

expression 'Integrity' involves the elements of  
uprightness and honesty. In the context, that has  
necessarily to be correlated with the service of the  
Railway servant. There is no such allegation  
against the applicant and the clause would not be  
attracted. Both the articles of charge relate  
to allowing an authorised lady passenger to travel  
with him in place of his wife. This allegation  
is not simpliciter to say that the applicant had  
misused his reservation. That <sup>could</sup> ~~would~~ attract Cl.(1).  
It is, however, difficult to see as to how it  
reflects on his integrity qua discharging his  
official duty. Cl.(i) therefore has no appli-  
cation even on the language of the articles of  
charge.

16. The position as regards Cl.(iii),  
however, is complicated and requires an analysis  
of its ingredients. That will provide answer

*hith*

to the question as to whether the inquiry can be said to have been properly initiated and whether it is warranted under the rules.

17. It is well settled that the Tribunal will not ordinarily interfere at an interlocutory stage. Equally, it is well settled that it does not undertake the task of evaluating or assessing the evidence. The adequacy and/or reliability of the evidence also cannot be considered by the Tribunal. That is the task solely to be performed by the disciplinary authorities. These principles apply even to the exercise of framing the charge. All that the delinquent is entitled<sup>to</sup> as a rule of natural justice, is to have a reasonable and fair opportunity to show cause in answer and prove his innocence at the inquiry itself. /

18. Mr. D.F. Paul, the learned counsel for the respondents, relied in this connection upon the decision of the Supreme Court in the case of TRANSPORT COMMISSIONER, MADRAS v. A. RADHAKUMAR MURTHY ( 1995(1)SLR. P.239 (S.C.) ). The Head-note relied reads as follows:

"Disciplinary Proceedings --  
Jurisdiction to go into the truth of the allegations - Tribunal not competent to go into the allegations particularly at a stage prior to the conclusion of DAR. "

*hith*



121

With respect we have already mentioned this principle.

However, in our humble <sup>opinion</sup> view the principles mentioned above would apply where there is —  
~~above by us~~ some prima facie evidence available to support the charge and not where there is 'no' evidence.

The issuance of articles of charge, therefore, must be based upon some prima facie material being available to justify the same. It would not be correct to level an allegation without any foundation and leave it to the delinquent to rebut it.

19. Rule 9 of the D.A. Rules lays down the procedure for imposing Major penalties. Sub-rule(2) thereof provides as follows:

"9(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a railway servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants(Inquiries) Act, 1850, as the case may be, a Board of Inquiry or other authority to inquire into the truth thereof."

It is, therefore, essential under the rule that there must exist 'grounds' for inquiring into the 'truth of any imputation' of mis-conduct <sup>or</sup> misbehaviour against the railway servant. The rule contemplates two stages. Firstly there must exist grounds

122

which need inquiry in the truth of any imputation made on the basis of those grounds which requirement would stand satisfied if there is even prima facie material to give rise to the 'grounds' and secondly the testing of the 'truth' of the grounds which ~~sh~~ stand merged in the imputations which has to be done at the inquiry on the basis of evidence where the delinquent denies the imputations. The burden to refute the allegations and proving his innocence thus would arise at the second stage i.e., at the enquiry. The first stage does not contemplate any such exercise. Thus in order to level an imputation of misconduct or misbehaviour there must appear to exist a ground or grounds. For that purpose there must exist prima facie material to give rise to the 'ground/s' for levelling the imputation.

<sup>are</sup> We, therefore, of the opinion that in a given case such as the instant case it is open to the Tribunal to examine whether there is any prima facie material to give rise to a ground/s to lead to the imputations levelled against the charged Railway servant. We are inclined to adopt this test in the instant case. While doing so we are inclined to adopt the test of preponderance of probabilities and the principle that the adequacy or reliability of evidence is not to be considered. With this legal back ground we proceed to consider the facts of this case.

hcr

20. The ingredients of Article I are these:

(1) applicant has misused the Railway duty/privilege pass on 20.12.1989, 31-12-1989, 23.1.1990, 26.1.1990, 27.1.1990 and 31.1.1990 by allowing

(a) an unauthorised lady to travel with him

(b) in place of his wife Mrs. Archana Misra.

It must therefore be prima facie disclosed that some lady other than his wife had travelled with him on a reservation made in the name of his wife. As stated earlier clause (i) of sub-rule (i) of Rule 3 which relates to integrity cannot apply to this imputation. However, we will proceed to examine the same treating it as relevant to clause (iii) also.

21. Now, the details of the travel have been mentioned in the statement of imputations. We <sup>may</sup> ~~shall~~ now <sup>refer to</sup> ~~deal with~~ them.

(i) Two berths were reserved in 1st class for travel from Hubli to Secunderabad on 20-12-1989 and from Secunderabad to Hubli on 31-12-1989. Both these berths were utilised as per reservation charts recorded by Train Conductor. The allegation is that during this period applicant's wife Archana was working as a teacher in City Montessary High School at Lucknow and therefore, she could not have travelled with the applicant on the above dates. On that premise it is inferred that

some other lady had travelled with the applicant on the reservation of his wife. Thus the pass was misused.

It is pertinent to note that the charge is not for misuse of the pass simpliciter but it is based on travel of a lady with the applicant other than his wife.

- (ii) In the aforesaid manner the applicant had allowed to travel a lady other than his wife on journey from Secunderabad to Bombay and back on 23--1-1990 and 25.1.1990 respectively. His wife who was working as a teacher at Lucknow was on leave from 23.1.1990 to 25.1.1990 and appeared at an examination at Lucknow. She could not therefore be the lady who had travelled with the applicant on 23-1-1990.
- (iii) Likewise --  
On 27--1--1990 during journey from Secunderabad to Guntakal and back on 31-1-1990 Mrs. Archana had signed the attendance register at the school at Lucknow and therefore some other lady had travelled with the applicant and the reservation and pass were thus misused.

Thus it is alleged that on the six <sup>journeys</sup> ~~reasons~~ aforesaid some lady other than his wife had travelled with him.

The name of that lady however has not been stated.

The material to be relied in this connection as mentioned in the list of documents consists of the reservation slips and charts. The train conductors who had made entries in the charts have been mentioned as Sri Kondaiah, Sri Prakash Rao and Sri Kumdaram. However, the material referred to does not contain their statements. However, even assuming at this

hull

stage that the record prepared by them is true as it is official record the only inference possible on the face of it is that there was reservation in the name of applicant's wife and the same had been utilised. It does not show who the lady travelling was nor does it show that applicant's wife was not that lady. This material can lead ~~me~~ to a positive prima facie inference only if the circumstance of applicant's wife being at Lucknow is found to be probable.

22. Turning now to the second circumstance that on the material dates Archana was at Lucknow and could not be with the applicant the material disclosed is in the shape of certificates and extracts of school attendance registers from Lucknow school, coupled with her statement recorded by the authorities on 25-2-1991. In the statement she stated that all throughout between January, 1989 and 5th March, 1990 she was at Lucknow. That however was too general a statement and that had to be considered in the light of the statement of the applicant which was recorded at Vigilance Branch on 11--7-1990. He has stated that on 23.1.1990 his wife had come to Secunderabad and lived with him. She had thereafter left him in the 1st week of February, 1990. He maintained:

126

that she had accompanied him on 23.1.1990 and 25.1.1990 during the journey to and from Bombay. Para 3 of the imputation under Article-1 however states that this statement of the applicant is false. This conclusion in our view could not be drawn straightaway and clearly that had influenced the mind of the officer issuing the Memorandum against the applicant.

23. The applicant was questioned in great detail at the vigilance on 11--7-1990. The thrust of the questions was upon the journey on 23-1-1990 and 25-1-1990 and he had given detailed explanation.

Q.No. 37 makes it abundantly clear. He was asked as follows:

Q.37. Finally do you want to say anything about the allegation that you mis-used the pass from 23-1-1990 to 25.1.1990 in favour of some lady other than your wife?

The answer of the applicant was:

Ans: I totally deny the said allegation.

As regards other dates mentioned in the article only question asked was:

Q.26: Did you take any privilege passes for your wife during 1989, 1988, 1987 also?

Applicant replied:

Ans: All these passes I have taken including my wife.

*hst*

Thus when the assertions and statements of the applicant stood on one hand and only the vague statement of the applicant's wife on the other when compared cannot be considered to, lead to the inference that applicant's story was false on the face of it. The circumstance of his wife's being employed at Lucknow and of mere reservation chart entries without any material to show that a lady had actually travelled with the applicant and she was someone else than his wife cannot be said to have been disclosed even on a prima facie consideration of the material relied upon to level the charge. Moreover as could be seen from the statement of the applicant's wife it is revealed that her allegations were the result of strained relations between the husband and wife and after she had laid a claim for maintenance. Neither the Memorandum nor the material proposed to be relied indicate as to on what basis the enquiry against the applicant for alleged misuse of the duty pass was commenced. It is obvious that the source was complaint by the wife. This aspect becomes more pronounced when we turn to the nature of the second article of charge. In the light of the above discussion we are of the view that there is not even prima facie material to justify

hett

Article 1 of the charge much less for the enquiry to proceed on that count of the charge.

24. We now proceed to examine Article-II of the charge. It contains a grave allegation of illicit relationship. Such conduct would clearly attract Cl.(iii) of sub-rule (1) of Rule 3 of the Conduct Rules. Since a railway servant is a member of a Public utility service such conduct cannot be overlooked as private affair unrelated to the performance of duty. However, it is necessary that at least prima facie material should be available to probabalise such inference. Article II contains a specific allegation of illicit relationship with a lady Miss Namrata.

25. The statement of imputation rests this allegation on following circumstances:

- (i) Namrata was also a Railway servant working as Junior Clerk in the Office of DCOS Hubli from 10--10--1988 in computer section under the control of the applicant. They are alleged to have developed illicit relationship and continued the same at Hubli and thereafter at Secunderabad/Hyderabad also
- (ii) She had visited Hyderabad and stayed with applicant on two or three occasions according to the landlord of the house K.Lakshman Rao
- (iii) Namrata was seen visiting the quarter of the applicant at Hubli by Shop Superintendent Jacob.



- (iv) Applicant's wife was not staying with him
- (v) Namrata had availed casual leave from 22-12-1989 to 23-12-1989 prefixing workshop holidays and that coincided with the journeys of applicant to Secunderabad and Guntakal from Hubli.
- (vi) Namrata had availed LAP from 22-1-1990 to 27-1-1990 and that coincided with the journeys of the applicant to Bombay.
- (vii) These circumstances indicated illicit relationship between applicant and Namrata and that was unbecoming conduct of applicant as a railway servant.

26. All these allegations are not based on any independent material. These have stemmed from allegations made by applicant's wife and were motivated due to strained relations between her and the applicant. That is evident from the details of imputation itself which contains following statements.

- (i) Applicant developed illicit relationship and neglected his wife Mrs. Archana.
- (ii) Applicant filed divorce petition on 2.7.1990.
- (iii) Mrs. Archana filed maintenance petition and obtained Order on 21-5-1990.
- (iv) Applicant thereafter left his wife at Lucknow and did not take her back.

27. In her maintenance petition Archana had stated that in November, 1988 she came to know about illegal relationship of applicant with junior clerk Namrata when she visited applicant's house at Hubli.

It may be recalled here that according to the imputation Namrata had joined only on 10-10-1988. Archana went to the length of alleging that she learnt that the applicant had kept Namrata as his mistress at his Hyderabad house. These allegations had to be accepted with great caution as these were made to support her claim for maintenance when relations between the husband and wife were so strained that talks of divorce were going on. Moreover the allegations were based on information gathered from some one else and not on personal knowledge of Archana.

*f* No statements of the so called informants have been  
*a* ~~No statements of the so called informants have been~~  
recorded except of Lakshmanrao which however is ~~not~~ of no  
material consequence as considered below :

28. In her statement recorded by Vigilance on 25-2-1991 Archana has stated that in March, 1989 on her father's complaint Namrata and applicant were kept in a lock up for a day and thereafter they lived at Hyderabad for two days and thereafter she herself (Archana) went with applicant and Namrata to Bangalore and left Namrata there. All this indicated that in all probability the applicant's wife was interested in securing maintenance and had levelled this allegation at the applicant.

*h*

29. The applicant stated in his statement recorded on 11--7-1990 on this aspect (Question No.10) that Namrata had worked in Micro Computer, Hubli and done an exemplary work. He has described the allegation of illicit relationship with Namrata (Question No.31) as another heinous, intolerable and sinful act on the part of his wife and he denied that allegation. He also denied the allegation that Namrata had travelled with him on 23--1-1990 and 25-1-1990. It has already been noted that Archana having travelled with him is a distinct possibility. Applicant has also stated in his statement that Archana and his <sup>father</sup> ~~life~~ were pressurising him in order to extract money and used to make reckless and false allegations.

30. Thus the material relied consists of allegations emanating from applicant's wife. There is absolutely no other independent material to support these allegations.

31. In the list of documents there are statements of (1) K.Jacob, SS/EMS Hubli dated 21-8-1991, (2) A.A.Ghaligi, IPF/R/BG/SC Hubli and (3) K.Lakshman Rao, Assistant Director of Industries mentioned. According to Jacob during 1989 he had seen a lady clerk from applicant's office visiting applicant's house twice. Ghaligi stated the same thing. Additionally he stated that he had seen the Scooter of Namrata parked in front of applicant's house many times. Lakshman Rao stated that between January and April, 1990 Namrata had stayed with

applicant at his house on two or three occasions for 2 to 3 days. His statement, however, refers to the fact that Archana used to tell him that she was being harassed by the applicant to sign divorce papers and in fact, Archana had one day came to his wife for financial help.

32. It is thus abundantly clear that the allegation levelled is the product of Archana's motivation. That could not be acted upon unless there was some independent material available. The statements of the three persons by themselves do not lead to any inference of illicit relationship. Other circumstances namely alleged travelling with a lady, Archana not staying with applicant or Namrata's taking leave to visit her native place do not independently lead to that inference. Simply because a lady employee visits her superior cannot mean that there was illicit relationship between them. Above all no statement of the lady who would stand condemned by the allegation namely Namrata has been recorded nor she is listed as one of the witnesses to be examined. Since the proceedings is of a quasi criminal nature the giving of an opportunity to her to explain her side was essential. The authority who issued the charge-sheet thus had not considered the material in its proper perspective to find out whether any prima facie case was disclosed to charge the applicant with a grave allegation which in itself could cause

133

: 20 :

serious damage to him and <sup>his</sup> career. Acting merely upon the interested allegations of applicant's wife without considering the impact of other material and explanation of applicant does not appear to us to have been correct exercise of jurisdiction under Rule 9. We are of the opinion that no ground as required under Rule 9(2) of Discipline and Appeal Rules can be said to have been disclosed even prima facie to warrant the levelling of the charge in Articles I and II.

33. Mr. Paul has drawn our attention to the decision of the Hon'ble Supreme Court in STATE OF WEST BENGAL Vs. PRASENJIT DUTTA (1944 (26) ATC 902 S.C.)

The Head note relied upon reads:

"Bigamy - Departmental enquiry -  
Charge of Bigamy - Departmental  
Authorities not precluded from  
examining the question of second  
marriage for limited purpose of  
Departmental action"

With respect, we do not think that the ratio is applicable to this case as no question of Bigamy is involved in this case. However, even assuming that allegation of illicit relationship may be treated as of analogous nature, we have already said that it can fall within the ambit of Rule 3(1)(iii) of Conduct Rules and have examined the matter on that footing.

*well*

34. We would like to make it clear that we have not evaluated the truth of the material. Our endeavour has been to show that even if the material relied is taken into account <sup>it</sup> is not sufficient to base the charge thereon.

35. Having regard to the foregoing discussion, we hold that further proceedings on the charge levelled is not permissible and the relief as prayed is fit <sup>to be</sup> ~~were~~ granted to the applicant.

36. At this stage there is further clinching material produced before us. In the light of that material further enquiry will be a futile exercise. Had this material been available before the date on which the charge memo was issued <sup>we</sup> ~~were~~ have no doubt that possibly the same may not have been issued. What we are referring to is the Judgment and order passed by the In-charge Principal Subordinate Judge, R.R. District in O.P.No.94/90 dated 10-2-1992 granting decree of divorce dissolving the marriage between the applicant and Archana. The decree is not based on ground of adultery of the applicant. Archana on the other hand stated that there was some misunderstanding between her and her husband because of which their relations were strained. The Court has noted that Archana has

*Indra*

"admitted that she has harassed the petitioner (applicant) and she has even beaten the petitioner for not obliging to her advice".

37. In the counter affidavit she had filed in the petition, Archana had admitted thus:

"On 22nd January, 1990 this respondent came down to Hyderabad to discuss the matter, but due to tight official tour schedule although the respondent accompanied Sri Pratap Chandra Mishra to Bombay and back and to Hubli also on his official tour ...."

These are the material journeys mentioned in the charge under the impugned Memorandum. This counter was declared on 6--2--1992. The Memorandum was issued on 4-2-1992. She also gave evidence in the Civil Court and the Judgment shows that she had made the admission noted above.

38. This material is bound to be produced if the enquiry is to proceed. It would demolish the charge levelled against the applicant in the disciplinary proceedings. Archana even if examined will have to overcome her sworn testimony at the pain of perjury if she would want to rake up the allegation against the applicant of illicit relationship with Namrata.

*Hubli*

135

: 23 :

✓ 39. In addition to above circumstance two more developments have taken place. Firstly it appears from para 6(iii) of the O.A., that after the annulment of their marriage, Smt. Archana has immediately contracted a second marriage and has moved to reside permanently in U.S.A. The custody of the child is with the applicant. Secondly, it is stated in para 6(iv) that the Junior Clerk in question ( Namrata ) had submitted representations to the General Manager seeking a zonal transfer as her marriage proposal was being finalised with a person of her choice but that was not conceded whereafter she resigned from the service and left for Bangalore. It is further stated that applicant has learnt that subsequently she has married and is leading a normal married life. There is no denial of these developments in the counter. It ~~is~~ therefore, clearly appears that further enquiry is likely to a futile exercise.

40. Lastly, for whatever reason it might be a period of 4 years 5 months has already elapsed since the date of initiation of the enquiry. No fruitful purpose therefore may be served by proceeding with it at this stage.

hmr



41. We are, therefore, inclined to quash the Memorandum.

42. The dropping of the enquiry is also not likely to cause any prejudice to the (respondents) Railways as there is no allegation of the applicant having suffered bad reputation in the office or his work having been affected in any manner.

43. In the result following Order is passed:

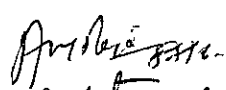
The impugned Memorandum P/SC/227/3/40 dated 4-2-1992 issued by the respondent is hereby quashed and set aside and consequently the disciplinary enquiry initiated against the applicant in pursuance thereof is hereby dropped.

O.A., is allowed. No order of costs.

  
H. RAJENDRA PRASAD  
MEMBER (A)

  
M.G. CHAUDHARI, J  
VICE-CHAIRMAN

Date: 5/10/1992  
Pronounced in open Court.

  
Deputy Registrar (DC)

9/11/94

5 copies

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 5-8-1996

~~ORDER~~ JUDGMENT

M.A./R.A/C.A.No.

in

O.A.No. ~~595/96~~ 1218/94

T.A.No. (W.P. )

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

One Spare Copy

