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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA 480/97

Date of decision 30.4.97

Between:

Y.V. Raghava Rao ... Applicant

And

1. The General Manager,
South Eastern Railway,
Garden Reach,
Calcutta.
2. The Chief Personnel Officer,
South Eastern Railway,
Garden Reach,
Calcutta.
3. The Divisional Railway Manager,
South Eastern Railway,
Waltair.
4. The Sr. DEN (Coord.)
South Eastern Railway,
Waltair. ... Respondents

Shri N. Venkateswara Rao ... Counsel for applicant

Shri N.R. Devaraj, SCGSC ... Counsel for respondents

CORAM

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN

HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (A)

[Signature]

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Judgement

Oral ~~order~~ (per Hon. Mr. Justice K.M. Agarwal, Chairman)

Heard Sri V. Venkateswara Rao for the applicants.

1. By this OA under Section 19 of the AT Act, the applicant wants the Disciplinary proceedings against the applicants since 1991 to be quashed on various grounds including those of delay and failure to appoint fresh Inquiry Officer, on retirement of the Inquiry Officer who conducted inquiry till the date of his retirement on 30-9-1996.
2. It appears from what has been stated in paragraph 6(d) that the prosecution evidence was over on 9-7-1996 and the inquiry was fixed for 11-7-1996 and 12-7-1996 for Defence evidence. But for want of Presiding Officer the four Defence witnesses could not be examined on those dates. Thereafter the Inquiry Officer retired on 30-7-1996. Under these circumstances we do not think it proper to quash the inquiry proceedings on the grounds urged by the learned counsel for the applicants. We feel that this OA can be disposed of at the admission stage itself by directing the respondents to appoint a fresh Inquiry Officer within a period of one month from the date of receipt of copy of this order and we hope and trust that the Inquiry Officer so appointed shall expeditiously dispose of the inquiry proceedings and submit it to the Disciplinary authority speedily.
3. Accordingly this OA is disposed of by directing the respondents to appoint a fresh Inquiry Officer within a period of one month from the date of receipt of copy of this

Yours

order and after such appointment, the Inquiry Officer shall take all possible steps to expedite and conclude the Inquiry proceedings and submit his report to the Disciplinary authority as early as possible within six months from the date of such appointment.

4. Learned counsel for the Department was also present when the case was heard and he was also requested to take appropriate steps for appointment of the Inquiry Officer so that as soon as a copy of this order is received by the Department, Inquiry Officer is immediately appointed without any loss of time.

5. After the aforesaid order was dictated on 28.4.97, the learned counsel for the applicant had submitted that after the date of retirement of the applicant, the department could not continue with the DE unless an order in writing was obtained from the government for continuing with the said proceeding. For this reason he was given time till 29.4.97 to show us the provision of law, but on that day adjournment was sought which prayer is repeated today by the proxy counsel appearing on his behalf. We have not been shown any such provision in the rules. On the contrary, however, it appears from Rule 9(2)(a) of the CCS(Pension) Rules, 1972, that the departmental proceedings, if instituted while the Government servant was in service, shall, after the final retirement of the government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the government servant had continued in the service. In the light of this provision we find no substance in the contention.

Yours

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6. Accordingly, for the reasons aforesaid, this submission is overruled and the directions made in paragraph 3 of this order are directed to be carried out.

7. No costs.

H. Rajendra Prasad
H. Rajendra Prasad
Member (Admve.)

K.M. Agarwal
K.M. Agarwal (J)
Chairman

Dated: April 30, 1997
Dictated in Open Court

sk

Amrit Singh
Deputy Registrar (J) cc

O.A.480/97.

To

1. The General Manager,
SE Rly, Garden Reach, Calcutta.
2. The Chief Personnel Officer,
S.E.Rly, Garden Reach, Calcutta.
3. The Divisional Railway Manager,
SE Rly, Waltair.
4. The Sr.DEN(Co.ord) S.E.Rlys, Waltair.
5. One copy to Mr. Venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, SC for Rlys, CAT. Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm.

9/6/97

~~COURT~~

TYPELED BY

~~CHECKED~~ BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE K.M.Agarwal
~~VICE~~ CHAIRMAN

and

THE HON'BLE MR.H.RAJENDRA PRASAD, M.A.

Dated: 30-4-1997

~~ORDER~~ JUDGMENT

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

in
C.A.No. 480/97

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

केन्द्रीय प्रशासनिक अदिकारण
Central Administrative Tribunal
HYDERABAD BENCH
RECEIVED/DESPATCHED

119 MAY 1997

HYDERABAD BENCH