

(P)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 13.7.2000

OA 556/96

Murari Lal, Signal Inspector, Western Railway, Kota Division, Kota.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Sr.Dvl.Signal & Telecom Engineer, Western Railway, Kota Division, Kota.
3. Shri Rajesh Gandhi, Enquiry Officer, Asstt.Signal & Telecom Engineer, Shamgarh, Western Railway, Kota Division, Shamgarh.

... Respondents

CORAM:

HON'BLE MR.S.P.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.S.BAFU, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.P.P.Mathur, proxy counsel for
Mr.R.N.Mathur

For the Respondents

... Mr.Hemant Gupta, proxy counsel for
Mr.M.Rafiq

O R D E R

PER HON'BLE MR.S.P.AGARWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant has prayed to quash and set aside the inquiry report and proceedings of inquiry and a direction to the respondents not to proceed on such an inquiry report to secure the end of justice.

2. In brief, the applicant by this OA has challenged the ~~conduct~~ report of inquiry officer on the ground that the inquiry officer while conducting inquiry has not followed the procedure/rules and there has been flagrant violation of principles of natural justice while conducting the inquiry.

3. Reply was filed. In the reply it has been stated that the applicant was free to challenge the order of the disciplinary authority passed on such an inquiry report and the order of appellate authority passed on appeal, if the applicant is feeling aggrieved by the same. Therefore, this application has been filed before this Tribunal without exhausting the remedies available to the applicant and the applicant has no case for interference by this Tribunal at this stage. Therefore, prayer has been made to dismiss this OA having no merits.

Suthar

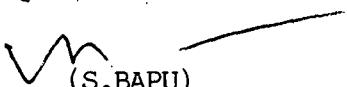
4. Rejoinder has also been filed, which is on record.

5. In this OA, vide order dated 16.10.96 this Tribunal passed an interim order and directed respondent No.2 to maintain status-quo in respect of disciplinary inquiry till the next date and the interim order was extended till today.

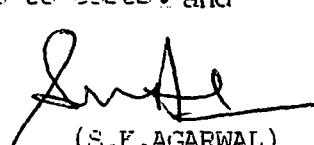
6. Heard the learned counsel for the parties and also perused the whole record.

7. The settled legal position is that inquiry report is being submitted before the disciplinary authority who, after application of mind, is taking the decision for imposing/not imposing any penalty, as provided under the rules, after giving an opportunity to the delinquent to show-cause, by supplying the copy of the inquiry report. If the delinquent feels aggrieved by the order of the disciplinary authority, he may challenge the same by way of appeal and if again he feels aggrieved with the order of the appellate authority, he can challenge both the orders by way of an Original Application before the Tribunal. In this OA, the applicant has approached this Tribunal without exhausting the remedies available to him. Therefore, we have no option except to dismiss this OA at this stage. If the applicant feels aggrieved by the report of the inquiry officer, he can raise all the objections before the disciplinary authority and if again he feels aggrieved by the order of the disciplinary authority, he can raise that in appeal and so on.

8. We, therefore, dismiss this OA with no order as to costs, and the interim order issued by this Tribunal stands vacated.


(S.BAPU)

MEMBER (A)


(S.P. AGARWAL)

MEMBER (J)

Received copy by
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B. P. Sircar (R.D.)
on 17/7/2000 (25-00)

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