

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

May 21 2003
21/4

O.A. No. 182/2002
T.A. No.

199

A.P. (A)
21/4/03

DATE OF DECISION _____

C.L.Tomar _____ Petitioner

Mr.C.E.Sharma _____ Advocate for the Petitioner (s)

Versus

Union of India & Ors. _____ Respondent

Mr.T.P.Sharma _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L.Gupta, Vice-Chairman,

The Hon'ble Mr. A.P.Nagrath, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(A.P.NAGRATH)
MEMBER(A)

(G.L.GUPTA)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF DECISION : 22.04.03

ORIGINAL AFFLICATION NO.182/2002.

C.L.Tomar son of Shri Puran Singh aged about 45 years, resident of Quarter No.684 E.Railway Colony, Gangapur City presently working as Section Engineer (Special Works) Western Railway, Gangapur City.

... Applicant.

Versus

1. Union of India, through General Manager, Western Railway, Churchgate Mumbai.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Senior Divisional Engineer (N), Western Railway, Kota.
4. Senior Divisional Engineer (H.Q.) Western Railway, Kota.
5. Shri Dharendra Parasar, inquiry officer and Assistant Engineer (North) Kota.

... Respondents.

Mr.C.B.Sharma counsel for the applicant.
Mr.T.F.Sharma counsel for respondents.

CORAM :

Hon'ble Mr. Justice G.L.Gupta, Vice-Chairman.
Hon'ble Mr.A.P.Nagrath, Administrative Member.

O R D E R

(Per Hon'ble Mr.Justice G.L.Gupta)

The challenge in this OA is to the charge sheet dated 24.11.1997 (Annexure A-1) and the letter dated 27.03.2001 (Annexure A-3).

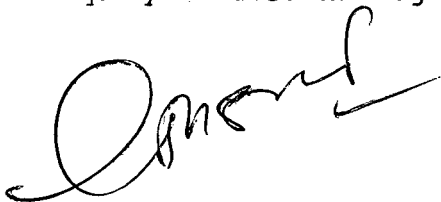
2. It is averred that the applicant was working as Chief Inspector of Works, Gangapur City. On 18.03.1996 a charge sheet was



served upon him. Enquiry was conducted against him and penalty of removal was imposed vide order dated 24.05.1999. That order of penalty was challenged by the applicant by filing OA No. 521/1999. The case for the applicant herein is that the respondents have issued the charge sheet impugned in this OA for the same charge which was included in the earlier charge sheet. The say of the applicant is that no charge sheet could be issued for the same charge which has already been enquired into and for which the applicant has been punished.

3. In the counter, the respondents case is that the matter of inclusion of one charge in the impugned charge sheet shall be considered by the Disciplinary Authority while deciding the case.

4. We have heard the learned counsel for the parties and perused the documents placed on record. In the charge sheet (Annexure A-1) issued to the applicant on 24.11.1997, one of the charges is regarding mis conduct in the supervision of work of construction of 8 Nos. Axle counter rooms BETWEEN SECTIONS KIW-ERLS of Kota Division vide contract agreement No. W/2001/T dated 15.02.1991. It is seen that the same charge of mis-conduct and supervision is included in the charge sheet Annexure A-2 dt. 18.3.96. It is further seen that the Enquiry Officer has agreed with the objection of the applicant and



vide his letter dated 27.02.2001 (Annexure A-5), he stated that Charge No.4 in Article No.I in the present charge sheet was the same as was Charge No.1.0.0 of the earlier charge sheet. The Disciplinary Authority in its letter dated 27.03.2001 (Annexure A-3) has informed the Enquiring Authority to proceed with the enquiry and the matter regarding repeated charge would be considered while deciding the case.

5. It is thus not in dispute that one of the charges, already enquired into, has been included in the charge sheet impugned in this OA. It would have been better for the Competent Authority to have passed appropriate order on the letter dated 27.02.2001 (Annexure A-5) written by the Enquiring Authority. Instead, the Competent Authority has kept the matter pending till the matter was decided finally. Since there is no dispute on the facts that Charge No.4 was also the subject matter of the charge sheet Annexure A-3, we think it appropriate to dispose of the matter giving the directions to the Competent Authority to pass appropriate order with respect to Item No.4 of the charge.


6. It may be stated that the learned counsel for the applicant did not press the prayer (i) of para 8 of the O/A. During the course of arguments, except to the extent stated above.

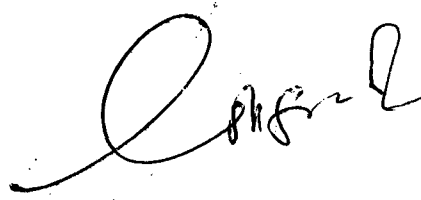
7. Consequently, the respondents particularly the Competent

A handwritten signature in black ink, appearing to be 'Anand', is written over the text of paragraph 7.

Authority is directed to consider the request of the Enquiring Authority made in (Annexure A-5) with regard to Item No.4 of the charge sheet and pass appropriate order within a period of two months from the date of communication of this order.

8. No order as to costs.


(A. P. NAGRATH)
MEMBER (A)


(G. L. GUPTA)
VICE CHAIRMAN

B.