

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 22.10.02

OA No. 253/02

Karan Singh Palawat s/o Shri Inder Singh r/o Village Charanvas, Post Alisar via Kaladera, Distt. Jaipur, Rajasthan.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Senior Divisional Commercial Manager, Western Railway, Jaipur Division, Jaipur
3. Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.

.. Respondents

Mr. Saugath Roy, counsel for the applicant

Mr. B.K.Sharma, counsel for the respondents

CORAM:

Hon'ble Mr. H.O.Gupta, Member (Administrative)

Hon'ble Mr. M.L.Chauhan, Member (Judicial)

O R D E R (ORAL)

This OA has been filed being aggrieved of the order dated 7.5.02 (Ann.A1) whereby a show-cause notice has been issued to the applicant. In relief, the applicant has prayed for quashing the said order.

2. The case of the applicant as made out, in brief, is that based on a criminal case, he was convicted and sentenced for imprisonment of 5 years and a fine of Rs. 1000/- for an offence under Section 306 and imprisonment of one year and fine of Rs. 100/- for the

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offence under Section 498 A of the IPC.

2.1 He filed an appeal and the Hon'ble High Court not only stayed the sentence but also stayed the conviction. The applicant has approached this Tribunal on the ground that since the conviction has been stayed, the respondents cannot proceed against him by invoking Rule 14(I) of the Railway Servants (Discipline and Appeal) Rules, 1968 and, therefore, the show-cause notice is infructuous. The contention of the learned counsel for the applicant is that the proceedings should be dropped. The contention of the learned counsel for the respondents is that the application is premature because the applicant came against the show-cause notice and no final order has been passed. Although he made a representation, but before the same could be disposed of, within 15 days of the show-cause notice he approached this Tribunal.

3. We have given considerable thought to the contention of the learned counsel for the parties.

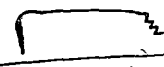
3.1 According to Rule 14(I) of the Railway Servants (Discipline and Appeal) Rules, 1968, the competent authority can proceed against an employee to award the penalty as prescribed under the rules without conducting the enquiry. But while doing so under Rule 14(I), the action so taken has to be passed on the grounds leading to the conviction. The contention of the learned counsel for the applicant is that since the conviction has been stayed, the respondents should not proceed against him till the final decision of the case pending with the Hon'ble High Court or till the order is modified.

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4. Having considered the submissions of the learned counsel for the applicant, this OA is disposed of with the direction to the applicant to file a fresh representation against the show-cause notice within 15 days from today and by speed post to avoid delay alongwith a copy of this order. In that event, the respondents shall ensure that the competent authority passes appropriate reasoned order taking in view the contention of the applicant and also the order of the Hon'ble High Court within a period of 4 weeks from the date of receipt of his representation. No order as to costs.

  
(M.L. CHAUDHARY)

Member (Judicial)

  
(H.O. GUPTA)

Member (Administrative)