

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Order : 15.10.2004

Miscellaneous Application No.247/2004.

IN

Original Application No.287/2003.

1. Union of India through the Chairman, Ministry of Railways, Rail Bhawan, New Delhi.
2. The General Manager, North-Western Railway, General Manager's Office, Jaipur (Rajasthan).

... Applicants.

v e r s u s

P. P. Meena, IRTS, S/o Shri S. L. Meena, aged about 35 years, AOM (T), Zonal Training Center, Udaipur (Raj.).

... Respondent.

Mr. Tej Prakash Sharma counsel for applicants.
Respondent present in person.

CORAM

Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. A. K. Phandari, Administrative Member.

: O R D E R (ORAL) :

Heard the learned counsel for the parties. This MA has been moved by the respondents, in the Original OA, for extension of time by four months to implement the direction given by this Tribunal on 07.05.2004 in MA No.159/2004. While disposing of the MA No.159/2004, time bound direction was given to submit the report by the Enquiry Officer and thereafter after furnishing the copy of the enquiry report to the applicant, the disciplinary authority was directed to pass appropriate order after considering the reply of the charged officer to the enquiry report.

2. The respondents/present applicant in this MA has given sufficient reason as to why the enquiry

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report could not be submitted by the enquiry officer within the time allowed. It has been stated that enquiry officer could not submit finding of the enquiry because of the reason that his daughter met with an accident abroad and he had gone abroad to see her urgently and he returned to India only on 12.06.2004 and due to the above reasons he could not submit the enquiry report up to 15.06.2004, the time granted by this Tribunal for the purpose.

3. For the reasons stated in the MA, we are satisfied that it was not possible for the enquiry officer to submit the enquiry report within 3 days after his return to India on 12.06.2004 and it was necessary for him to consider the written submission on behalf of both the parties before submitting enquiry report. When the matter was listed for hearing, it was adjourned from time to time as it was brought to our notice that the Hon'ble High Court is also seized of the matter and on 06.09.2004, this Tribunal was apprised that the operation of the impugned order has been stayed by the Hon'ble High Court. Today when the matter was listed, the applicant who was present in person opposed for the adjournment of this MA, in view of the pendency of the Writ Petition before the Hon'ble High Court and insisted that some order should be passed on this MAs as he has to come to attend this Proceeding.

4. We have considered the submissions made by the original applicant/respondents in this MA and we are of the view that in view of the reasons given in the MA, this application for extension of time is required to be disposed of especially when it has been brought to our notice that the enquiry officer had submitted report and the copy of the same has also given to the applicant and the Hon'ble High Court has also granted stay on account of which the respondents have been restrained from proceeding further in terms of enquiry report. Accordingly, we are satisfied that the respondents have made out a

case for delay in submitting the enquiry report by the enquiry officer and it was after the submission of the enquiry report and receiving reply of the charged officer (C.O.) on such enquiry report that the respondents could have proceeded further to carry out the direction passed by this Tribunal in Para 4 of order dated 07.05.2004 in MA No.159/2004 but for the stay granted by the Hon'ble High Court.

5. Accordingly, MA stand disposed of in terms of observations made here in above.

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(A. K. BHANDARI)
MEMBER (A)

Chauhan
(M. L. CHAUHAN)
MEMBER (J)