

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 1063 of 2000

Jabalpur, this the 8<sup>th</sup> day of April, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

Nand Kumar Shrivastava,  
S/o. Shri P.L. Shrivastava,  
aged about 41 years, Sr.  
Khalasi, O/o Sr. Section Engineer,  
(OHE), TRD, Shujalpur, Shujalpur. ... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its  
Secretary, Ministry of Railway,  
Railway Board, New Delhi.
2. The General Manager, Western  
Railway, Churchgate, Old Building,  
Mumbai.
3. The Divisional Electrical Engineer,  
(Construction), Western Railway,  
Ratlam Division, Ratlam. ... Respondents

(By Advocate - Shri M.N. Banerjee)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has  
sought the following main reliefs :

"(ii) Set aside the charge sheet dt. 25.6.98 and  
dated 22.4.2000 Annexure A-2.

(iii) direct the respondents to provide all  
consequential benefits to the applicant as if the  
impugned charge sheet are never issued."

2. The brief facts of the case are that the applicant is  
presently working as Senior Khalasi in the pay scale of  
Rs. 2650-4000/- . Apart from the impugned charge sheets  
the entire service record of the applicant is clean and  
unblemished. The applicant was placed under suspension  
vide order dt. 13.8.96. The applicant feeling aggrieved  
with the said order preferred OA No. 255/1997 which was

decided on 27.3.1997, wherein the respondents were directed to finalise the issuance of charge sheet within a month and also to look into the grievances raised by the applicant in his representation dated 25.2.1997 and pass a detailed order within the same time limit. The Department did not decided anything against the applicant and was sitting tight over the matter. Aggrieved by the enaction of the Department the applicant has preferred a MA No. 1180/2000 seeking execution and appropriate direction of the order dated 27.3.1997. The applicant further submitted that under Rule 24 of CAT (Procedure) Rules, the applicant cannot seek quashing of the charge sheet and disciplinary proceedings. Atlast the applicant was served with the charge sheet in English version on 25.6.1998 and its Hindi version on 22.4.2000. Thereafter the Department has initiated the enquiry proceedings and few witnesses of the prosecution have deposed their statement. The applicant has also submitted that the charge sheet issued was against the order of the Tribunal dated 27.3.1997. Aggrieved by this the applicant has approached this Tribunal claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the records carefully.

4. The learned counsel for the applicant has argued that in the earlier OA No. 255/1997 the Tribunal has observed as under :

"The Tribunal is of the view that this application may be disposed of with a direction to the respondents to finalise the issue of charge sheet within a month hereof and also to look into the grievance raised by the applicant in his representation dated 25.2.1997 and pass a detailed order within the same time limit. With these directions the application is disposed of at the admission stage itself."

But inspite of the said time limit the impugned charge

sheet was not issued even within one year of the order of the Tribunal. In English it was issued on 25.6.1998 and on representation of the applicant the Hindi version was issued much latter on 22.4.2000. The respondents did not obeyed the orders passed by the Tribunal on 27.3.1997 in the aforesaid OA. The learned counsel for the applicant has drawn our attention towards a judgment of this Tribunal dated 17th October, 2003 in OA No. 805/1998 - Mahesh Chandra Gupta Vs. Union of India & Ors.

5. On the other hand the learned counsel for the respondents has stated that the charge sheet was issued in accordance with the rules.

6. We have carefully considered the rival contentions both made on behalf of the parties. We have perused/the orders passed by the Tribunal in OA No. 255/1997, which was filed by the present applicant seeking direction to finalise the issue of charge sheet and the other order passed in OA No. 805/1998, relied by the applicant in support of his claim. In OA No. 805/1998 the Tribunal has observed as under :

"5.....  
It would be pertinent to observe that once a court passes certain orders it has to be given appropriate sanctity. If the action is not done within the time frame fixed by a Court of law and the authorities are permitted to act in their own fashion, even beyond the period which is so fixed, it will undermine the very dignity of the judicial system and will also undermine the public confidence. Not only this, the significance of seeking permission of the Courts for extension of time in implementation of the judgments would also become a futile exercise."

In the present OA the respondents have even not sought extension of time to implement the direction given by the Tribunal in the earlier OA No. 255/1997 filed by the applicant for finalising the issue of charge sheet.

7. For the reasons recorded above we allow the Original Application and the impugned charge sheet dated 25.6.1998

and 22.4.2000 are quashed. Any continuance of disciplinary proceeding subsequent to the time frame fixed by the Tribunal is declared as a nullity. The applicant will be entitled for all consequential benefits as if the impugned charge sheet was never issued. No costs.

(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

"SA"

पूर्णसंख्या से अभी तक  
राजस्थान के लिए राजस्थान पुरुष  
(1) राजस्थान के लिए राजस्थान के लिए राजस्थान S. Paul  
(2) राजस्थान के लिए राजस्थान के लिए राजस्थान Mr. Banaji  
(3) राजस्थान के लिए राजस्थान के लिए राजस्थान  
(4) राजस्थान के लिए राजस्थान के लिए राजस्थान  
राजस्थान एवं राजस्थान के लिए राजस्थान  
उपर रजिस्ट्रेशन

725661  
only  
15-4161