

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 4<sup>th</sup> day of January, 2011

**ORIGINAL APPLICATION NO.68/2010**

**CORAM**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Ashes Kiran Prasad S/o Late Shri Dhanushdhar Prasad, aged 51 years and resident of B-504, Shatabdi Rail Vihar, B-9/4, Sector 62, Noida(U.P.)-201301, and presently posted as Chief Officer/Planning and Survey, N.W. Railway, Jaipur and residing in Room No.1, Railway Loco Officers' Rest House, Ganpati Nagar, Hasanpura Road, Jaipur-302006.

.....Applicant

(Applicant in person)

VERSUS

1. Union of India - through the Chairman, Railway Board, Rail Bhawan New Delhi-110001.
2. Adviser Vigilance, Railway Board, Rail Bhawan, New Delhi-110001.
3. Central Vigilance Commissioner, Satarkata Bhawan, A-Block, G.P.O Complex, INA, New Delhi- 110023.
4. Shri A.Dutta, then SDGM/NF Rly, through Secretary Railway Board, Rail Bhawan. New Delhi-110001.
5. Mrs. L.Sarma, then Dy.CVO/T/NF Rly, through Secretary Railway Board, Rail Bhawan, New Delhi-110001.

.....Respondents

(By Advocate: Ms. Sonal Singh proxy for Sh. Alok Garg)

**ORDER (ORAL)**

The applicant has filed this OA, thereby praying for the following relief(s):-

- i) Quashing the memorandum of charges against the applicant or if this is not acceptable, then to direct the respondent No.1 to dispose off the applicant's reply dated 23.9.2009 to the memorandum of charges through a speaking order within a week and completion of Discipline.

and Appeal Rule proceedings, if required within two months.

- ii) ~~The statement of the witness Shri Tapan Barua be declared in admissible under S.24 of the Indian Evidence Act., 1872.~~
- iii) The statements of all the witnesses, be declared in admissible on the ground of being hearsay witnesses.
- iv) Removal of the Applicant's name from the 'secret list'.
- v) Allow the applicant to be promoted to the Joint Secretary's rank from the date his next junior, Shri K.L. Dixit was promoted.
- vi) Allow the Applicant to be empanelled in the DRM's panel.
- vii) Allow the Applicant to be eligible for deputation postings.

2. Notice of this application was given to the respondents. Respondents have filed their reply thereby stating that the applicant has sought multiple reliefs and as such the OA is not maintainable.

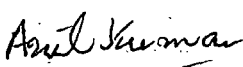
3. Applicant has filed rejoinder. In the rejoinder, the applicant has confined his relief to quash the memorandum/ charge sheet dated 7.8.2008 (Annexure A-1). As such, we proceed to decide this OA only regarding this relief and it is made clear that regarding other relief it will be open for the applicant to agitate the same by filing separate OA. Grievance of the applicant in this OA is regarding memorandum dated 7.8.2008, whereby charge sheet was issued to him under Rule 9 of the Railway Servants (Discipline and Appeal) Rules 1968. From the material placed on record, it is evident that pursuant to the reply filed to the memorandum of charges no decision was taken by the respondents either to drop the charges or to appoint the inquiry


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officer. It is only vide letter dated 8.11.2010 that Inquiry Officer was appointed copy of which was received by the applicant on 8.12.2010. Thus the fact remains that on account of in-action on the part of respondents, the applicant has suffered a lot. Thus, without going into the merits of the case and keeping in view the alternative prayer made by the applicant, we are of the view that it is a case where time bound direction should be given to the respondents to ensure completion of inquiry proceedings expeditiously. Accordingly respondents are directed to ensure that inquiry proceeding in respect of memorandum dated 7.8.2008 (Annexure A-1) shall be completed by the Inquiry Officer within a period of four months and in any case not later than six months. Needless to add that the applicant shall also render full cooperation in the inquiry proceeding pending against him.

4. With these observations, the OA shall stand disposed of at the admission stage with no order as to costs.

5. Applicant further submits that since the nature of the charges are not such which ~~do not~~ warrant placing of his name in secret list as such his name be deleted from the secret list, suffice it to say that we do not wish to go into this aspect of the matter at this stage. However the applicant may make representation to the appropriate authority regarding this aspect within a period of two weeks from today and in that eventuality the appropriate authority will consider the same within a period of six weeks from the date of receipt of the copy of the representation.

  
(ANIL KUMAR)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

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