

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00826/2014 Decided on: 18.09.2014

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Gurmeet Singh Sidhu, aged 62 years S/o S. Jarnail Singh Sidhu, Retired Divisional Finance Manager, Northern Railway, Ambala resident of 8, New Friends Colony, Ferozepur City.

.....Applicant

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Financial Adviser and Chief Accounts Officer, Northern Railway, Baroda House, New Delhi.
3. Shri K.K. Aggarwal, Inquiry Officer, C/o General Manager, Northern Railway, Baroda House, New Delhi.

.....Respondents

Present: Mr. R.K. Sharma, counsel for the applicant
Mr. Lakhinder Bir Singh, counsel for the respondents

Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. The present O.A. has been directed against a charge-sheet dated February, 2012 (Annexure A-1). Learned counsel submits that earlier a charge sheet was served on him in the year 2010 which was subsequently withdrawn, however, a fresh charge-sheet on the same set of charges has been issued to him in the year 2012 but no further proceedings on the basis thereof have been undertaken. Learned counsel submits that the CBI exonerated

1

him of the same set of charges and submitted the closure report, which has been accepted by the CBI Court also. Learned counsel contends that once an employee has been acquitted in the Criminal case based on the same set of charges, then he cannot be proceeded departmentally on those charges. To buttress his plea, learned counsel has placed reliance upon a judgment of the Hon'ble Supreme Court in the case of **G.M. Taank Vs. State of Gujarat & Another** (JT(2011) SC36).

2. Learned counsel for the applicant alleges discrimination and submits, in the context, that the other similarly placed officers involved in the same incident have been let off by imposing a minor punishment but the applicant herein has been issued a fresh charge-sheet for major punishment to which the applicant has submitted reply dated 28.08.2012 but no outcome thereof has yet been communicated to him.
3. Learned counsel for the applicant makes a statement at the Bar that the applicant would be satisfied if a direction is issued to the Disciplinary Authority to consider and take a view on the reply filed by the applicant, in accordance with law, within a stipulated period as the applicant has already retired from service and is suffering recurring loss of retiral benefits.
4. For the order we propose to pass, in view of the limited prayer of the applicant, there is no need to issue notice to the respondents

and call for their reply. However, Mr. Lakhinder Singh, learned Counsel, who is having advance notice, appears on behalf of the respondents. He states that the respondents may be given a reasonable time to take a view on the reply filed by the applicant.

5. According, we dispose of the O.A., on consensual basis, with a direction to the Disciplinary Authority to consider and take a view on legal notice (Annexure A-7) in accordance with settled law on the subject, within a period of one month from the date of receipt of a copy of the order. The outcome shall be communicated to the applicant.
6. Anything noticed hereinabove shall not be taken as findings on the merits of the case and the respondents can take an independent view in the matter, in the light of the acquittal of the applicant in criminal case and in accordance with law on the subject.
7. Disposed of accordingly. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 18.09.2014.

'mw'