

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 14th Day of September, 2018)

Present:

Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

Original Application No.330/00917/2018
(U/S 19, Administrative Tribunal Act, 1985)

Hemant Kumar Pandey S/o Shri Mata Prasad Pandey, presently working at Allahabad as Junior Engineer TMC under Dy. Chief Engineer (TMC-Line), North Central Railway, Jhansi Permanent R/o 520/1256, Gopalpuri, Alambagh, Lucknow PIN 226005.

..... **Applicant**

By Advocate: **Shri Anand Kumar/Shri Sudama Ram**

Versus

1. Union of India through General Manager, North Central Railway, Headquarters Office, Subedarganj, Allahabad.
2. Chief Engineer, (TMC), North Central Railway, Head Quarter Office, Subedarganj, Allahabad.
3. Dy. Chief Engineer (TMC-Line) North Central Railway, Jhansi.
4. Shri Babu P. Rajendra, AXEN/TMC/Line, North Central Railway, Allahabad, Enquiry Officer/AEN (TMC-Line), North Central Railway, Allahabad 211001.

..... **Respondents**

By Advocate: **Shri S.M. Mishra**

ORDER

By Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Heard Shri Sudama Ram, counsel for the applicant and Shri S.M. Mishra counsel for the respondents.

2. In this case, the applicant has prayed to quash and set aside the impugned orders dated 2.8.2016, 23.3.2017 and

7/15.6.2017 and further prayed to direct the respondents to pay all consequential benefits.

3. Learned counsel for the applicant submitted that while working as Junior Engineer, one incident occurred on 25.8.2014 which was reported by Shri Pankaj Jain, SSE who himself involved in this incident stating that applicant has caused mild touching of DTS 416 Machine with Machine Tamping Express 2954 on 25.8.2014 and on the basis of report of Shri Pankaj Jain, SSE, a major penalty chargesheet was served to the applicant. On 12.9.2014, applicant submitted his written statement and denied all the charges leveled against him. Shri Sanjay Srivastava, AXEN, N.C. Railway was appointed as Inquiry Officer and after conducting enquiry, he submitted enquiry report on 27.4.2015. Vide letter dated 13.7.2015, applicant was asked to submit his reply against the enquiry report, which he was submitted by his representation dated 21.7.2015. On his representation, respondent No.3 issued SF-7 nominated Sri S.P Singh, AXEN, Allahabad for holding re-enquiry. Applicant submitted representation to the Disciplinary Authority and Inquiry Officer to complete the early second enquiry on 20.7.2016. Respondent No.3 vide order dated 7/15.6.2017 (Annexure A-3) imposed the applicant major penalty i.e. 'reduction to a lower stage in time scale, reducing from the stage of Rs.37600 to the stage of Rs.35400 (7th CPC) level -6 in the scale of Rs.4200 (RSRP) at present he is holding for a period of 5 years from the date of his order with further direction that on expiry of the said period, reduction will have the effect of postponing further increments, which amounts to double jeopardy. Against the aforesaid impugned penalty order, applicant has filed statutory appeal dated 20.07.2017

(Annexure A-20) under Rule 18 of Railway Servants (D&A) Rules, 1968, which is still pending for consideration.

4. At the outset, learned counsel for the applicant submitted that the grievance of applicant might be redressed if the respondent No.2/competent authority is directed to dispose of his pending appeal dated 20.07.2017 (Annexure A-20) and pass a reasoned and speaking order within a stipulated period of time.

5. In view of the limited prayer made by the applicant but without commenting anything on the merits of the case, the OA is disposed of at the admission stage itself with direction to the respondent No.2/competent authority to consider and dispose of the appeal of the applicant dated 20.07.2017 (Annexure A-20) by passing a reasoned and order within a period of two months from the date of receipt of a certified copy of the order, copy of which shall be communicated to the applicant. No order as to costs.

(MOHD. JAMSHED)

Member (A)

(RAKESH SAGAR JAIN)

MEMBER – J

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