

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 25TH day of **SEPTEMBER, 2018**.

ORIGINAL APPLICATION NO. 330/0956/2018

HON'BLE MR JUSTICE BHARAT BHUSHAN, MEMBER (J).
HON'BLE MR GOKUL CHANDRA PATI, MEMBER (A)

1. Afzal Ahmad, Aged about 37 years, S/o Abdul Wahab, R/o 533-B, Humayupur North, Gorakhnath District Gorakhpur.
.....Applicant.

VERSUS

1. Union of India through, General Manager, N.E. Railway, Gorakhpur.
2. Principal Chief Commercial Manager N.E. Railway, Gorakhpur.
3. Senior Deputy General Manager cum Chief Vigilance Officer, N.E. Railway, Gorakhpur.
4. Sr. Divisional Commercial Manager, N.E. Railway, Lucknow.
5. Salil Srivastava, Inquiry Officer, Inquiry Cell, Vigilance Office, N.E. Railway, Gorakhpur.
.....Respondents

Advocate for the Applicant : Shri S K Om

Advocate for the Respondents : Shri P K Rai

ORDER
(Delivered by Hon'ble Mr. Justice Bharat Bhushan, Member-J)

This Original Application (OA) has been filed against the impugned order dated 29.08.2018 passed by the Principal Chief Commercial Manager/Competent Authority whereby the request of the applicant for changing the inquiry officer has been rejected.

2. The brief facts of the case are that the applicant was initially appointed as Ticket Collector in N.E. Railway and presently he is posted as Head Ticket Collector at Gorakhpur Railway Station, N.E. Railways. On 19.11.2015, the applicant was performing his duty on Train No. 15707, Amrapali Express, where he was intercepted by some officials of vigilance department without disclosing their identity, they allegedly snatched applicant's EFT. Thereafter, inquiry was instituted against the applicant

and one Mr. Ehtesham Khan was appointed as inquiry officer. Subsequently, one Mr. Abhichitra Srivastava was appointed as inquiry officer. Presently, one Mr. Salil Srivastava is conducting the inquiry. The applicant feels that the vigilance officials were continuously interfering in the proceedings, therefore, he moved an application for change of inquiry officer. This application was dismissed by the competent authority vide order dated 29.08.2018. This order is under challenge before this Tribunal.

3. It is apparent that inquiry is proceeding and has been conducted by three inquiry officers at different periods of time. The impugned order is of interlocutory or intermediary nature which cannot be challenged at this stage. If, inquiry, conducted by the inquiry officer is tainted or vitiated by his conduct then the same can be challenged after the completion of inquiry.

4. We believe that inquiry proceedings cannot be challenged at each step of its proceeding and are of the view that the present OA is not sustainable.

5. Accordingly, the OA is dismissed at the initial stage itself. No order as to cost.

(GOKUL CHANDRA PATI)
MEMBER-A

(JUSTICE BHARAT BHUSHAN)
MEMBER-J

Arun..