

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00585/2018

Dated Tuesday the 15th day of May Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

B.Asokan, son of K.Balakrishnan,
Aged about 53 years,
Employed as
Chief Reservation Supervisor,
Madras Southern Railway, Chennai
Residing at No. 26A,
Second Cross Street,
Srinivasapuram, Korattur,
Chennai 600076.Applicant

By Advocate M/s. M. Gnanasekar

Vs

- 1.Union of India,
rep by Additional Divisional
Railway Manager – II,
Madras, Southern Railway,
Park Town, Chennai 600003.
- 2.The Senior Divisional Commercial
Manager, Madras Southern Railway,
Park Town, Chennai 600003.
- 3.Chief Commercial Manager,
(Passenger and Marketing)
Southern Railway, Park Town,
Chennai 600003.
- 4.The Divisional Commercial Manager – I,
Chennai Division,
Southern Railways, Park Town,
Chennai 600003.Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “i. To call for the records relating to Order No. M/C.145/DAR/348/17 dated 23.04.2018 passed by the 4th respondent and quash the same and consequently direct the respondents not to initiate any disciplinary proceedings till the disposal of OA No. 1489 and 1590 of 2017 pending before the Hon'ble Tribunal and pass such further orders or other orders and grant the same and
- ii. pass such further orders as are necessary to meet the ends of justice.
- iii. Award costs and thus render justice.”

2. It is submitted that the applicant is aggrieved by Annexure A38 charge memorandum issued against him for alleged unauthorised absence from 24.05.2017 to 02.12.2017. The applicant had filed OA 1489/2017 and OA 1590/2017 seeking to restrain the authorities from proceeding against him for unauthorised absence and challenging penalty order against the applicant regarding misuse of official passes, both of which are pending before the Tribunal. In the meantime, the respondents have taken a vindictive action of issuing the said charge memo.

3. It is also submitted that the applicant had already applied for leave for the said period of absence and the respondents rejected the same and proceeded to issue the charge memo after a period of six

months. The applicant accordingly seeks an order to restrain the respondents for proceeding against the applicant.

4. Mr. G. Balasubramanian takes notice for the respondents on behalf of Mr. P. Srinivasan.

5. On perusal, it is seen that there is no final order in respect of the charges against the applicant. At this stage, only a charge memo has been issued to which the applicant is at liberty to submit a reply. If and when an inquiry is ordered, the applicant would have full opportunity to represent his case before the inquiring authority. As such, it is too premature for the Tribunal to interfere in the matter in the absence of an allegation much less supporting evidence of any illegality in the action taken by the respondents.

6. In view of the above, OA is disposed of at the admission stage with a direction to the applicant to submit his reply to the charge memo to the respondents.

(R. Ramanujam)
Member(A)
15.05.2018

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