

**Central Administrative Tribunal
Madras Bench**

MA/310/00712/2017 & MA/310/00713/2017 in OA/310/00899/2013

Dated Thursday the 14th day of September Two Thousand Seventeen

**P R E S E N T
Hon'ble Mr. R.Ramanujam, Member(A)**

1. Union of India, rep by
The Chairman,
Railway Board,
New Delhi.
2. The General Manager,
Southern Railway,
Park Town, Chennai 600 003. .. Applicants/Respondents

By Advocate **Dr.D.Simon**

Vs.

R.Manivasagam,
XEN/Subways/Hd. Qrs./MAS,
Southern Railway,
Chennai 600 003. ..Respondent/Applicant

By Advocate **M/s.L.Chandrakumar**

ORAL ORDER

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

The applicant in the OA 899/2013 had sought to quash the Charge Memo dated 13.6.2013 and to pass such further order/orders as this Tribunal may deem fit and proper. This Tribunal by its order dated 31.10.2014 directed the respondents to conclude the disciplinary proceedings within a period of four months from the date of receipt of a copy of the order, subject to the applicant co-operating in the inquiry.

2. In this backdrop, the respondent had filed MA 24/2016 seeking extension of time of six months from 22.12.2015 to implement the Tribunal's order in OA 899/2013 dated 31.10.2014. The Tribunal granted three months' time to implement the above said order from 02.2.2016. However, the respondent, failed to conclude the proceedings even within the extended time granted by this Tribunal. They have now come up with another MA (712/2017) seeking to condone the delay of 460 days in filing MA 713/2017 for further extension of time to implement the Order in OA 899/2013 dated 31.10.2014 and MA 713/2017 seeking extension of time for a further period of three months to complete the disciplinary proceedings initiated against the applicant.

3. Learned counsel for the respondent would submit that the OA applicant being a Senior Scale Officer, the Railway Board is the competent authority to impose a major penalty as per Schedule of Powers. Hence, the case file has been forwarded to the Railway Board along with General Manager's recommendation.

Thereafter, it has to be routed through Officers at various levels before passing the final orders and, therefore, it would take some more time to process the case entirely and arrive at a final decision for which he has filed MA 713/2017 seeking extension of time of further three months for the second time. The learned counsel for the OA applicant has objection to granting three months extension of time.

4. On perusal, it is seen that the respondents were initially given four months time to comply with the order of this Tribunal dated 31.10.2014. The respondents had filed a belated MA and this Tribunal granted three months further time from February 2016 to comply with the order of this Tribunal. Still the order has not been complied with. Now in September 2017, it is submitted that the disciplinary case file of the OA applicant have been sent to the Railway Board and further extension of time is required. It appears that the respondents are not serious about the time limit set by this Tribunal.

5. In view of the above, there is no substance in the MA and accordingly MA is dismissed. Consequently MA 712/2017 filed for condonation of delay stands dismissed. The respondents are directed to comply with the order of this Tribunal forthwith.

(R.Ramanujam)
Member(A)
14.9.2017

/G/