

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.479/2016

Date of Decision: 03.10.2018

CORAM:HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)
HON'BLE SHRI R.N. SINGH, MEMBER (J)

Parshuram Uachappa Manchekar
 Son of Uachappa Nilappa Manchekar
 Date of Birth: 26.10.1969,
 Age 47 years, Working a Office Superintendent,
 Group C Post, Central Railway, Headquarters
 Office CST, Mumbai 400 001.
 R/at F/16, 1st Floor, Central Rly. Staff Quarters,
 Matunga, Wenden Avenue Colony, Matunga,
 Mumbai 400 019. ... *Applicant*
(By Advocate Shri R.G. Walia)

VERSUS

1. Union of India,
 Through the General Manager,
 Central Railway, Headquarters' Office,
 CST, Mumbai 400 001.
2. Dy. CPO (Chief Personnel Officer)
 (Construction), Central Railway,
 Headquarters Office, CST,
 Mumbai 400 001. ... *Respondents*

(By Advocate Shri V.S. Masurkar)

ORDER (Oral)
Per : Shri R. Vijaykumar, Member (A)

This Application has been filed on 23.06.2016 under section 19 of the Administrative Tribunals Act 1985, seeking the following reliefs:

“8.a) This Hon'ble Tribunal will be pleased to call for the record which led to the issuance of the departmental Chargesheet dated 28.04.2015 (i.e.

Annex. A1 hereto) and after going through its propriety, legality and constitutional validity be pleased to quash and set aside the same.

8.b) This Hon'ble Tribunal will be pleased to hold and declare that the departmental authorities cannot hold a departmental inquiry under Railway Servants (Disciplinary and Appeal) Rules, 1968 inasmuch as the criminal court has already taken cognizance of the charges which are identical to the charges framed against the applicant under IPC and Prevention of Corruption Act.

8.c) Any other or further order or orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.

8.d) Costs of this Original Application may be provided for."

2. The essential prayer of the applicant is to direct the respondents not to conduct the disciplinary inquiry into an investigation that was conducted by the CBI following a trap by which it has been alleged that the applicant accepted illegal gratification of Rs.5,000/-. The criminal case is pending at the stage where charges have been framed and witnesses have been examined in the matter.

3. In respect of the disciplinary case, it is informed that the inquiry has been completed and a copy of the inquiry report was served on the applicant after which, a reply has been given by the applicant to the

Disciplinary Authority, whose orders are awaited.

4. In the circumstances, it is appropriate to dispose of the OA with liberty to the Disciplinary Authority to pass a final orders in accordance with law and after taking into consideration all the points raised by the applicant in his defence representation and reply, within eight weeks from the date of receipt of certified copy of this order and communicate these orders to the applicant within two weeks thereafter.

5. It is made clear that we have not expressed any view on the merits of the claim of the applicant. It is also further made clear that the applicant will have the liberty to raise all the points before the Disciplinary Authority or before the appropriate forum in accordance with relevant rules and law on the subject.

(R.N. Singh)
Member (J)

(R.Vijaykumar)
Member (A)

dm.