

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 5th day of **March**, 2019

Present :

Hon'ble Ms. Ajanta Dayalan, Member-A
Hon'ble Mr. Rakesh Sagar Jain, Member-J

Original Application No.330/00157/2019

Ishwar Dev, aged about 47 years, S/o Late Shri Shobha Ram, Working as Sr. Goods Guard, Under C.Y.M. Agra Cantt. N.C. Railway, Agra Division, Agra, R/o Village – Sohalla, Post – Pratappura, District - Agra.

.....Applicant.

By Advocate –Shri R.K. Dixit

V E R S U S

1. Union of India through the General Manager, North Central Railway, Headquarter Office, Subedarganj, Allahabad.
2. Divisional Railway Manager, North Central Railway, Agra Division, Agra.
3. Senior Divisional Operating Manager, North Central Railway, Agra Division, Agra.
4. Sr. Divisional Personnel Officer, North Central Railway, Agra Division, Agra.

..... Respondents.

By Advocate : Shri S.M. Mishra

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member-A :

Heard Shri R.K. Dixit, counsel for the applicant and Shri S.M. Mishra, counsel for the respondents.

2. Learned counsel for the applicant states that the applicant was issued major penalty charge sheet on 18.07.2017. Inquiry was held and inquiry report was given to him on 24.09.2018 to which he gave his reply on 07.10.2018. Learned counsel for the applicant states that there is order of Railway Board dated 03.12.2018 directing finalization

of major penalty cases within six months and Disciplinary Authority to record the reasons for delay. This order further states that if the delay is attributable to the charged official, Disciplinary Authority may take ex-parte decision following the notice procedure as per the Railway Servants (Disciplinary & Appeal) Rules, 1968 and if delay is not on account of the charged official, he should process for closure of the case. Learned counsel for the applicant states that he will be satisfied in case reply dated 07.10.2018 (Annexure-A-9) given by him to the inquiry report is decided by the respondents' department within a stipulated period of time.

3. Learned counsel for the respondents has no objection to this prayer of the applicant's counsel.

4. In view of the limited prayer made by the counsel for the applicant, Disciplinary Authority amongst the respondents is directed to take a decision on the reply dated 07.10.2018 in the disciplinary case of the applicant in terms of rules as well as their own order dated 03.12.2018 within a period of six weeks from the date of receipt of a certified copy of this order. The order so passed shall be communicated to the applicant.

5. It is made clear that this order does not constitute any expression or opinion on the merits of the case.

6. In view of the above direction, the OA is disposed of. No costs.

Member-J

Member-A

RKM/

