

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No.203/00429/2018

Bilaspur, this Monday, the 01st day of April, 2019

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Nikita, D/o Shri B.M. Borki, aged about 30 years, working as TM-IV, O/o P.Way/RJN, near Satbahaniya Mandir, Devarikhurd, Bilaspur (C.G) 495004, Mobile No.-9039232250

-Applicant

(By Advocate – Shri A.V. Shridhar)

V e r s u s

1. Union of India through General Manager, South East Central Railway, New GM Building, Bilaspur Chhattisgarh 495004.
2. Chief Personnel Officer, South East Central Railway, Bilaspur, Chhattisgarh 495004.
3. Divisional Railway Manager, South East Central Railway, Nagpur (M.H.) 440002.
4. Sr. DEN (East), South East Central Railway, Nagpur (M.H.) 440002.
5. Sr. ADEN, South East Central Railway, Dongargarh, Chhattisgarh 491445.
6. Sr. Section Engineer (P.Way), South East Central Railway, Rajnandgaon (C.G.) 491441.
7. Sr. Section Engineer (PW)/Instructor/DETS, South East Central Railway, Dongargarh (C.G.) 491445

-Respondents

(By Advocate – Shri Vijay Tripathi)

O R D E R (O R A L)**By Navin Tandon, AM.**

The applicant is working as Track Maintainer Grade-IV.

She has been issued with a chargesheet dated 02.01.2018

(Annexure A-1) for unauthorised absence.

2. Learned counsel for the applicant has filed the tracking report (Annexure A-21), as per which, the chargesheet has been delivered to the applicant on 13.01.2018.

3. The respondent department has issued order dated 16.01.2018 (Annexure A-14) nominating an Inquiry Officer.

4. It is the case of the applicant that she was not granted sufficient time before which the Inquiry Officer has been nominated. She has filed her representation against the chargesheet on 18.01.2018 (Annexure A-13), which has been received in the respondents' office on the same date.

5. Learned counsel for the applicant drew our attention to the fact that the charged official is granted 10 days' time to file response to the chargesheet and the applicant has acted accordingly. Therefore, the issue of the order (Annexure A-14), nominating the Inquiry Officer, is not as per law.

6. The applicant has, therefore, sought for the following reliefs:

“8. Relief Sought:

In view of the above referred facts and grounds the applicant prays for the following relief's:

8.1 That the learned Tribunal may kindly be pleased to call the records of the case pertaining to the applicant.

8.2 That the Hon'ble Tribunal may kindly be pleased to quash the enquiry proceedings initiated against the applicant vide Annexure A/1 dated 02.01.2018.

8.3 That the Hon'ble Tribunal may kindly be pleased to direct the respondent to allow the applicant to resume the duties at the place from where she had been orally directed not to work with consequential benefits.

8.4 Cost of the petition be awarded to the applicant.

8.5 Any other relief which the learned Tribunal deems fit and proper may be awarded.”

7. Learned counsel for the respondents drew our attention to letter dated 17.11.2017 (Annexure R-3), wherein the applicant has been asked to join the duty right away and perform the work of the post for which she has been appointed in the Railways.

8. We have considered the issue.

9. At this stage, the following directions are given to the respondents, which would meet the ends of justice:

“(i) The order dated 16.01.2018 (Annexure A-14), nominating the Inquiry Officer, is quashed and set aside.

(ii) The Disciplinary Authority is directed to consider the representation dated 18.01.2018 (Annexure A-13) of the applicant and take necessary action as per rules.”

9.1 Regarding the relief sought for in Para 8.3 of the O.A for direction to the respondents to allow the applicant to resume the duties, respondent No.3 is directed to ensure that no obstacles are put in front of the applicant in joining the duties and perform the work, which is attached to the post.

10. With the above direction, the O.A is disposed of. No costs.

(Ramesh Singh Thakur)
Judicial Member

am/-

(Navin Tandon)
Administrative Member