

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.4286/2017

New Delhi this the 19th day of December, 2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Shri Sudhir Kumar Sharma,
Aged about 59 years, Group 'B'
Late S/o Late Sh. Kanhaiya Lal Sharma,
R/o B-406, Swaran Ganga Apartments,
Plot No. GH-5, Sector-6, Vasundhara,
Ghaziabad-201012 (UP)

- Applicant

(By Advocate: Ms. Pooja Tandon)

VERSUS

Union of India : Through

1. Secretary,
Railway Board,
Ministry of Railways,
Rail Bhawan, New Delhi

2. General Manager,
Northern Railways,
Baroda House, New Delhi-110001

3. Dy. Financial Advisor & Chief Accounts Officer,
Northern Railways, TA Office,
State Entry Road, New Delhi-110055

4. South Delhi Municipal Corporation,
Through Commissioner,
Civic Centre, JLN Marg,
New Delhi-110002

- Respondents

(By Advocates: Mr. Shailendra Tiwary for R-1 to R-3
Mr. RK Jain for R-4)

O R D E R (Oral)

Ms. Nita Chowdhury:

This OA has been filed by the applicant, claiming the following reliefs:-

- “a. the petitioner above named most respectfully prays that memorandum of charge sheet dated 23.09.2016 issued by respondent No.3 in which charges are framed without any evidence against the petitioner be quashed.
- b. the petitioner above named most respectfully further prays that direction be passed for quashing the order dated 17.10.2016 in which inquiry officer and the presenting officer are appointed from the organization of respondent N.4 which is contrary to the Railway Servants (Discipline and Appeal) Rules 1968.
- c. The petitioner, after getting fitness certificate from concern doctor, should be allowed to join his duties without unnecessary harassment by respondent No.3 on and after he joins his duties.
- d. Such and further order may also be passed as this Hon’ble Tribunal deems fit in the interest of justice.”

2. It is the case of the applicant that he has sought stay of inquiry proceedings on the ground that the documents have not been supplied to him with regard to inquiry. Similarly, the next contention is that number of representations have been made but the same are not being replied too.

3. It is the contention of the respondents that there are serious charges against the applicant and all the issues raised by him have to be

addressed to the inquiry officer and all claims made in his representations have to be dealt with by the inquiry officer.

4. After hearing both the parties, *prima facie*, the view of the respondents is upheld. We also note from the OA that the applicant himself stated that the respondent no.4 vide his letter dated 03.07.2007, gave the reply to him that the documents asked for will be provided to him on personal appearance in inquiry or on any working day in respondent office. Inquiry shall proceed and the applicant is given permission to ask for whatever he wants in writing from the inquiry officer and the same shall be dealt with as per the departmental inquiry rules.

5. With the above order, the request of the applicant to quash/stay the inquiry proceedings is rejected. Hence, OA is dismissed. No costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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