

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

Original Application No. 868/2016 & M.A.417/2019

Date of Order :06.06.2019

Between :

M.Papa Naik,
S/o. Man Singh,
Aged about 51 years,
Occ : Pharmacist/RH/BZA,
O/o Railway Hospital, Vijayawada,
South Central Railway, Vijayawada Division. ... Applicant

And

1. Union of India,
Rep. by its General Manager,
South Central Railway, Rail Nilayam,
III Floor, Secunderabad – 500 071.
2. The Additional Chief Medical Superintendent/Admn,
Railway Hospital, Vijayawada Division,
South Central Railway,
Vijayawada.
3. Sri Ch.Krishna Rao,
Enquiry Inspector/SC,
Room No.12, Ground Floor,
Rail Nilayam, South Central Railway,
Secunderabad – 500 071. ... Respondents

Counsel for the Applicant	...	Mr.K.Sudhakar Reddy, Advocate
Counsel for the Respondents	...	Mr.N.Srinatha Rao, S.C. for Rlys.

CORAM:

Hon'ble Mr.Justice L.Narasimha Reddy	...	Chairman
Hon'ble Mrs.Naini Jayaseelan	...	Member (Administrative)

ORAL ORDER

[As per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman]

The applicant is working as a Pharmacist in Ramagundam Health Unit in the South Central Railway. Disciplinary proceedings were initiated against him by issuing a Charge Memorandum dated 12.06.2009 on certain allegations. After the proceedings, progressed to substantial extent, the applicant filed OA.1555/2013. His grievance was mostly about the change of Defence Assistant. The OA was disposed of vide order dated 30.05.2016 directing that the applicant is entitled to change the Defence Assistant and the Enquiry Officer was directed to submit a report within four weeks from the date of disposal of the OA. The present OA is filed challenging the very proceedings on the ground that the respondents did not conclude the same as directed by this Tribunal. Other grounds were also pleaded in the OA.

2. The respondents filed counter affidavit. It is stated that the delay was on the part of the applicant in choosing the Defence Assistant. It is also stated that the enquiry was completed.

3. Heard Mr.K.Sudhakar Reddy, learned counsel for the applicant and

Mr.N.Srinatha Rao, learned standing counsel for the respondents.

4. The various issues raised by the applicant were dealt with extensively in OA.1555/2013. The only relief granted to the applicant was with regard to the change of Defence Assistant. It is not the case of the applicant that he was not extended that benefit. The order dated 29.07.2016, which is impugned in this OA, is only to the effect that the applicant was put on notice about the enquiry to be held from 09.08.2016 to 10.08.2016. The applicant is not able to point out any serious flaw in that. Since the proceedings are pending for the past 10 years, they cannot be kept pending any longer.

5. Therefore, we leave it open to the respondents to pass final orders. It is needless to mention that if any adverse orders are passed against the applicant, it shall be open to him to pursue the remedies, in accordance with law.

6. The OA is disposed of accordingly. M.A.No.417/2019 stands closed. There shall be no order as to costs.

(NAINI JAYASEELAN)
MEMBER(ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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