

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3826 of 2015

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1. Birendra Kumar Son of Sri Bhuneshwar Prasad Deputy Station Manager, East Central Railway, Sheikhpura(Bihar.)

.... Petitioner/s

Versus

1. The Union of India Through The General Manager, East Central Railway, Hajipur (Vaishali)
2. The Divisional Railway Manager, East Central Railway, Danapur, P.O. Khagaul, District- Patna-801105(Bihar.)
3. The Senior Divisional Operating Manager, East Central Railway, Danapur, P.O.- Khagaul, District- Patna.-801105(Bihar)
4. The Senior Divisional Personnel Officer, East Central Railway, Danapur , P.O.- Khagaul, District- Patna.- 801105(Bihar)..
5. The Divisional Operating Manager, East Central Railway, Danapur, P.O.- Khagaul, District- Patna-801105(Bihar)
6. Shr S.K. Prasad/II cum Inquiry officer, Office of the General Manager (Vigilance) East central Railway, Hajipur....

.... Respondent/s

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Appearance :

For the Petitioner/s : M/S. Munna Pd Dixit (M.P. Dixit)& Sanjay Kr.Choubey
For the Respondent/s : Mr. Shabbir Ahmad

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 25-08-2015

I.A.No. 6698 of 2015 has been filed by the petitioner for stay of the judgment of the Tribunal and the disciplinary proceedings.

2. We have heard learned counsel for the petitioner, Mr. M.P. Dixit, and Mr. Shabbir Ahmad, learned counsel for the Railways. With their consent, instead of dealing with the stay matter, we have heard at length for disposal of the writ petition itself.

3. The petitioner was the Station Master. He was charged



by the Vigilance Department of the Railways with certain allegations, and a departmental proceeding was initiated in the year 2007. He was punished. He filed an appeal. The appellate authority issued notice for enhancement of punishment, and enhanced punishment. Against this, the petitioner came to the Central Administrative Tribunal by filing O.A. No. 451 of 2011, which was disposed of on 2-7-2013. The Tribunal set aside the disciplinary proceedings, but gave liberty to the Railways to re-initiate the same from the stage of charge. Thus, the matter was remanded to the Railways.

4. According to the petitioner, the rules provide that the disciplinary proceeding should be concluded within 150 days, and that not having been done, he once again moved the Central Administrative Tribunal by the O.A. under consideration, being O.A. No. 050/00226/2014 ,seeking quashing of the disciplinary proceedings.

5. The contention of the Railways was that this period of limitation , if at all can be said, does not apply to the vigilance cases. The Tribunal dismissed the said O.A. by its order dated 16th December, 2014, and it is against that, this present writ petition has been filed.

6. From the facts, noted above, it is clear that it is only in 2013, the Tribunal set aside the disciplinary proceedings, which had b

started in 2007, and remanded the matter. Learned counsel for the Railways points out that witnesses are now being examined. In that view of the matter, the remand being of the year 2013, the departmental proceedings are going on.

7. Be that as it may, as the matter is an old matter, almost a decade old, it is expected that the Railways would expedite the matter, and conclude the departmental proceedings, subject to co-operation by the petitioner, within a period of nine months from today.

8. With this observation, the writ petition stands disposed of.

(Navaniti Prasad Singh, J)

BK.Roy/-

(Nilu Agrawal, J)

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