

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2615 of 2014

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1. Raj Kishore Ram S/O Late Sunder Ram Resident Of Mohalla-Bhikhanpur Gumti No. 2, Near Bishahari Asthan, P.S.- Ishakchak, Town And District- Bhagalpur

.... Petitioner/s

Versus

1. The Union Of India, Through The Secretary Ministry Of Railways, Govt. Of India, Rail Bhawan, New Delhi
 2. The Chairman, Indian Railway Board, Rail Bhawan, New Delhi
 3. The General Manager, East Central Railway, Hazipur, Bihar
 4. The General Manager, Eastern Railway, Fairly Place, Kolkata (W.B.)
 5. The General Manager (Vigilance), Eastern Central Railway, Hajipur, Bihar
 6. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad, Jharkhand
 7. The Senior Divisional Commercial Manager, East Central Railway, Dhanbad, Jharkhand-Cum-The Disciplinary Authority
 8. The Enquiry Officer, C.O.I. (Chief Outstanding Inspector), East Central Railway Dhanbad, (Jharkhand)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Advocate
 For the Respondent/s : Mr. Mahesh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

2 03-11-2015 Heard learned counsel for the petitioner and learned counsel for Union of India.

2. Petitioner by filing this writ petition has assailed order dated 19.10.2012 passed by the Patna Bench of Central Administrative Tribunal in O.A. No. 266/2012 with M.A. No.310/2012 whereunder the learned Tribunal has refused to direct the respondent authorities to conclude the departmental



proceeding and if already concluded then to serve the order concluding the proceeding on the petitioner on the ground that such request has been made before the Tribunal after a long delay. The proceedings were initiated against the petitioner under memorandum of charges dated 08.02.2001 and he filed his written defence before the Enquiring Officer on 23.02.2001 whereafter the Enquiring Officer submitted his report dated 27.05.2002 which was accepted by the Disciplinary Authority and thereafter 2nd show-cause notice dated 29.06.2002 was served upon the petitioner and he filed his 2nd show-cause reply dated 05.07.2002 but till date he has not been communicated the order passed by the Disciplinary Authority. Later, he made an application under Right to Information Act. Whereafter, the order has been passed in the matter vide letter No. C.744/03/Vig.5/01 Dhanbad dated 09.07.2002, on the bottom of which signature is dated 27.01.2003, Anneuxre-8,

3. From the pleadings made in the writ petition and annexure thereto, we are satisfied that petitioner has not been served with any formal order passed by the disciplinary authority as is required under the rules.

4. In the circumstances, while setting aside the order impugned passed by the learned Tribunal, we direct the

disciplinary authority, Respondent No.7 to serve on him the formal order which is passed in the departmental proceeding initiated against the petitioner and is purported to be dated 27.01.2003 or any other order which is there on the record within one month from the date of receipt/production of a copy of this order before Respondent No.7.

(V.N. Sinha, J)

(Aditya Kumar Trivedi, J)

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