

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

D.B. Civil Writ Petition No. 18909 / 2012

S.K. Nagarwal S/o Sh. R.D.Nagarwal, Aged About 40 Years, B-90,
Siddharth Nagar, Jaipur 302017 Presently Working As Dy. CE/
Construction/design/jaipur, HQ Office, North Western Railway

----Petitioner

Versus

1. The General Manager, North Western Railway,, HQ Office, Near
Jawahar Circle, Jagatpura, Jaipur-302017
2. Central Administrative Tribunal, Jaipur Bench, Jaipur Through
Its Registry,, Jyoti Nagar, 22- Godown, Jaipur

----Respondents

For Petitioner(s) : Sh. Shailendra Srivastava Adv.

For Respondent(s) : Sh. Shailesh Prakash Sharma Adv.

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE KAILASH CHANDRA SHARMA
Order

08/03/2017

Instant petition is directed against order of the Central Administrative Tribunal impugned dt.1-4-2010 followed with the order passed on the review application dt.9-6-2010.

The petitioner is a member of Indian Railway Services of Engineers (IRSE) and disciplinary action are governed by Railway Services (Discipline & Appeals) Rules,1968 and for the alleged delinquency a charge-sheet dt.6-4-2009 came to be served upon the petitioner for inflicting major penalty on 20-4-2009. Under Chapter-X of the Rules,1968, instructions for the guidance for officials dealing with the disciplinary cases, appeals, revision & review has been notified & in para-1005 responsibility of the disciplinary authority is to consider the reply to the charge-sheet if any being submitted by the delinquent before proceeding further in the disciplinary enquiry.

According to the petitioner, the instructions for the guidance

for officials which have been notified in Chapter-X of the Rules,1968 responsibility of the disciplinary authority has also been fixed in para-1005 & since that was not complied with by the disciplinary authority before proceeding further & appointing the enquiry officer, that compelled him to approach the Tribunal by filing Original Application but after due appreciation of the material on record, the original application was dismissed vide order dt.1-4-2010 and the review application filed by the petitioner also came to be dismissed by subsequent order dt.9-6-2010 which is subject matter of challenge in the instant petition.

It is informed to this Court that the petitioner delinquent had participated in the disciplinary enquiry without any demaur and has also filed his final defence before the enquiry officer on 30-3-2016 which may enable him to submit his report to the disciplinary authority but what steps have been taken by the department thereafter is not known to him.

Counsel for petitioner submits that the charge-sheet was served upon him on 20-4-2009 & at least seven years have rolled by now & still it has not been finally concluded and its pendency is causing great prejudice to the petitioner because of which his service benefits are being withheld by the respondents.

Counsel for petitioner after making submissions for sometime on instructions submits that at least after the defence has been submitted by him on 30-3-2016, at least the disciplinary authority may be directed to conclude the pending enquiry within the time schedule and at least such innocuous prayer deserves acceptance.

Counsel for the respondent did not dispute that the enquiry which is pending on a charge-sheet being served upon the petitioner dt.6-4-2009 has to be concluded and submits that whatever the reasonable time schedule which this Court may consider appropriate may be fixed to conclude the pending enquiry.

We have not examined the issue on merits and the procedure followed by the disciplinary authority after serving the charge-sheet upon the petitioner dt.6-4-2009 and the petitioner delinquent is at liberty to raise all available objections as permissible under the law and we find substance in the submission of the petitioner's counsel that at least the disciplinary enquiry which is pending for almost seven years deserves to be expedited and concluded within some reasonable time.

Taking note thereof we are of the view that the pending disciplinary enquiry which was initiated pursuant to the charge-sheet dt.6-4-2009 deserves to be concluded expeditiously and accordingly we direct that the disciplinary authority may conclude the disciplinary enquiry within six months.

The writ petition in the above terms stands disposed of.

(KAILASH CHANDRA SHARMA)J.

(AJAY RASTOGI)J.

Shekhawatvs(D-23)