

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.84/2020

This the 26th day of February, 2020

**Coram : Hon'ble Shri Mohd. Jamshed, Member (A)
Hon'ble Shri M.C.Verma, Member (J)**

Shri Hasmukhbhai S/o. Devjibhai
Aged : 39 years, Male,
Ex-Cleaner under C&W, Anand.

Residing at : Near Talav, Harijanwas,
Gorwagam,
Vadodara – 390 003. Applicant.

(By Advocate : Shri V.V.Goswamy)

VERSUS

1. Union of India,
Notice to be served through
The General Manager
Western Railway, Churchgate,
Mumbai – 400 020.
2. Additional Divisional Railway Manager
DRM Office,
Western Railway, Pratapnagar,
Vadodara 390 004.
3. Assistant Mechanical Engineers
Western Railway, Pratapnagar,
Vadodara 390 004. Respondents.

O R D E R – ORAL

Per : Hon'ble Shri Mohd. Jamshed, Member (A)

Heard learned counsel, Shri V.V.Goswamy for applicant at length. The OA is being filed seeking relief in terms of quashing and setting aside the Order dated 18.12.2018. The applicant had filed OA No.399/2013 in the

first round of litigation challenging the order of punishment, and orders of the Appellate and the Revisionary Authorities. The Tribunal in its Order dated 05.10.2018 set aside the order passed by the Revisionary Authority with direction that fresh date of hearing of the Revision Petition be fixed and the same be decided by Revisionary Authority by passing a speaking order. The relevant portion of the said order reads as under :

“7. During arguments, it transpired that applicant did not appear before the Enquiry Officer or the Disciplinary Authority and the explanation given by learned counsel for applicant is that he was ill. Any how to avoid injustice to any one, Order dated 10/03/2011, Annexure A-1, of Revisionary Authority is set aside and the Revisionary Authority is directed to give opportunity to the applicant by fixing fresh date of hearing of Revision Petition, notice to the applicant, at least ten days in advance of date of hearing, be given and after hearing the applicant, Revisionary Authority shall pass a speaking order on Revision. This whole exercise of fresh hearing of Revision Petition and of passing Order thereon, shall be completed by the Revisionary Authority within three months w.e.f. date of receiving the copy of this order. The applicant is, therefore, directed to appear and pursue his case before Revisionary Authority on the date fixed by the Revisionary Authority and to explain his cause and the Revisionary Authority shall dispose of the Revision Petition as expeditiously as possible but within the time period given above.”

2. The Revisionary Authority in compliance of the Tribunal's Order dated 05.10.2018, passed detailed speaking order dated 18.12.2018 upholding the punishment imposed by Disciplinary Authority and Appellate Authority.

3. The prayer in present application seeking quashing of the Order dated 18.12.2018 amounts to re-hearing of the same application. The Order passed by this Tribunal dated 05.10.2018 has been complied with and nothing remains in this matter any further.

4. In view of the above, we are of the view that present application being filed is devoid of merits and the same is accordingly dismissed at the admission stage itself.

(M.C.Verma)
Member (J)

(Mohd. Jamshed)
Member (A)

nk