

Central Administrative Tribunal  
Principal Bench: New Delhi

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OA No. 966/98

New Delhi, this the 12th day of November, 1998

Hon'ble Shri T. N. Bhat, Member (J)  
Hon'ble Shri S.P. Biswas, Member (A)

Shri Fida Hussain,  
s/o Sh. Sadi Shah,  
r/o village Raghunathpur,  
Post Jalalpur Dhana,  
Tehsil Amroha, Distt. Moradabad (UP). ....Applicant

(By Advocate: Shri S.I. Mohd. Naqvi)

Versus

Union of India through:

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad (UP).
3. The Divisional Engineer (HQ),  
Northern Railway,  
Moradabad (UP).
4. The Assistant Engineer,  
Northern Railway,  
Hapur Distt. Ghaziabad (UP). ....Respondents

(By Advocate: Shri R.P. Aggarwal)

O R D E R (ORAL)

by Hon'ble Shri T.N. Bhat, Member (J):

We have heard the learned counsel for the parties for final disposal of the O.A. at the admission stage itself.

2. On perusing the record furnished by the learned counsel for the parties in support of their respective contentions we notice that there is some controversy between the parties on the actual date when the chargesheet was issued. This is a case where the applicant has been punished without considering his

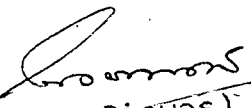
*Aggarwal*  
12.11.98.

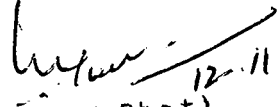
reply and it is stated in the impugned order of punishment that the applicant had not submitted his reply within the time allowed. On the one hand the applicant, in reference to some documents, photocopies of which have been annexed to the OA, contends that the chargesheet was actually issued on 3.7.1989, on the other hand the respondents' plea is that the date of issuance of the chargesheet was 29.6.1989 as mentioned in Annexure R-I. This controversy could, in our considered view, have been resolved and a reasoned order given by the appellate authority or the revisional authority. The appellate authority has in pursuance to the direction of the Tribunal considered the matter and dismissed the appeal and the learned counsel for the applicant assails the appellate order mainly on the ground that it is not a speaking order and the real questions that fell for determination have not been touched.

3. We, however, find that the applicant has chosen to file a revision petition before the Divisional Railway Manager, a copy whereof has been annexed to the OA as Annexure A-8. It is true that the revision petition does not appear to have been decided and the applicant was accordingly compelled to come to the Tribunal against the appellate order. But since the applicant has chosen, to file a revision petition, we are inclined to dispose of this O.A with a direction to the revisional authority to take a decision in the revision petition within a time fixed ~~by us~~ <sup>by us</sup> and while doing so to consider the aforesaid points in controversy. We hope and expect that the revisional authority will pass a detailed and speaking order in the light of observations made hereinabove.

*[Signature]*

4. In the result this O.A. is disposed of with a direction to the revisional authority to dispose of the revision petition filed by the applicant within three months from the date of receipt of this order and consider the points raised by the applicant in the revision petition. No costs.

  
(S.P. Biswas)  
Member (A)

  
(T.N. Bhat)  
Member (J)

12.11.98.

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