

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. (1) RA No.304/1993 in
OA 4/1993

Date of decision:08.10.1993.

(2) RA No.305/1993 in
OA 4/1993

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(1) RA 304/1993

Union of India

...Applicant

Versus

Shri S.P. Sharma

...Respondent

(2) RA 305/1993

Shri S.P. Sharma

...Applicant

Versus

Union of India

...Respondent

For the Applicant in RA 304/93
For the Applicant in RA 305/93

...Shri J.P. Verghese, Counsel
...Shri J.K. Bali, Counsel

For the Respondent in RA 304/93
For the Respondents in RA 305/1993

...Shri J.K. Bali, Counsel
...Shri J.P. Verghese, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUDIYAL, MEMBER (A)

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble
Mr. Justice S.K. Dhaon, Vice-Chairman)

These are two Review Applications, one by the original applicant (S.P. Sharma) and the other by the respondents (Union of India) praying that the judgment given by us on 13.08.1993, may be reviewed.

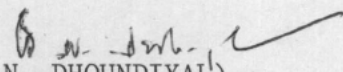
2. We shall first deal with the application filed by Union of India. We have heard the learned counsel for the parties and we are satisfied that the opinion expressed by us in paragraph 22 of the judgment was based on a misconception on our part. We were let to believe that in the relevant Railway Rules, a provision analogous to the provision, as contained in Rule 9(2) of the CCS(Pension) Rules was existing. The Union of India has pointed out that, in the relevant Railway Rules, the provisions as contained in the proviso are not to be found. This submission appears to be correct. If this is correct,


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We accordingly direct that it will not be necessary for the respondents to obtain any sanction of the President for the purpose of proceeding further in the disciplinary proceedings. In accordance with our judgment, the Railway Board shall consider the representation of the applicant and thereafter, if necessary, it shall appoint an Inquiry Officer. That officer, if appointed, shall proceed with the enquiry strictly in accordance with law.

3. We shall now come to the application filed by Shri S.P. Sharma. In our judgment we have taken a categorical view that for the purpose of issuing a charge-memo to a delinquent Railway servant, it is not necessary that the Board should issue the same. We have also taken the view that the charge-memo, as already issued by the Member Traffic, has been validly issued. We have taken this view on an interpretation of the relevant statute. The contention is that we have taken a wrong view. We may have committed an error but surely it cannot be said that we have committed an error apparent on the face of the record. The Review Application is not maintainable.

4. We, therefore, reject the application filed by Shri S.P. Sharma. The two Review Applications are accordingly disposed of. There shall be no order as to costs.


 (B.N. DHOUNDIYAL)
 MEMBER (A)
 08.10.1993


 (S.K. DHAON)
 VICE CHAIRMAN
 08.10.1993

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