

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No.
XXXNo.

89/ 1989

DATE OF DECISION 13.9.89

Shri Natha Ram Dangar Applicant (s)

Shri Umesh Mishra Advocate for the Applicant (s)

Versus

Union of India & others. Respondent (s)

Shri O.P Kshatriya Advocat for the Respondent (s)

CORAM :

The Hon'ble Mr. P.K Kartha, Vice-Chairman(J)

The Hon'ble Mr. S.P Mukerji, Vice-Chairman(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

In this application under Section 19 of the Administrative Tribunals Act, the applicant, who is a discharged Railway employee, removed from service under rule 14(ii) of the Railway Servants (Discipline & Appeal) Rules, 1968, without holding an enquiry, has prayed that the respondents be directed to decide the Revision Application filed by him under rule 25 of those Rules in accordance with the judgment of the Supreme Court of India after full and complete enquiry.

2. We have heard the learned counsel of both the parties. The learned counsel for the respondents indicated that the Revision Application is time-barred. The learned counsel for the applicant, however, stated that the Revision Application has been filed by the applicant under rule 25 of the aforesaid Rules, which as admitted by the learned counsel for the respondents is silent so far as the period of limitation is concerned. The learned counsel for the respondents then urged that this case is barred by res judicata also. In a similar case, O.A. No. 2357/88 (B.N. Sen Gupta Vs. UOI & Ors.), this Tribunal, in its judgment dated 15.5.1989, held that a revision application, as in this case, filed after the judgment of the Supreme Court in Tulsi Ram Patel's case is not barred by res judicata. The Supreme Court clearly enabled the aggrieved employees to file an appeal or revision even after the period of limitation had lapsed so that their grievance is properly looked into by holding an enquiry when "situation" becomes normal. In this connection, reference may be made to the judgment of the Supreme Court in

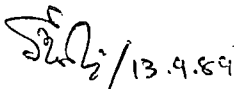
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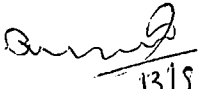
Satyavir Singh Vs. Union of India - 1985(4) SCC 252 - a part of the judgment in which has been quoted in the application also.

3. In the facts and circumstances of the case, we allow this application with the direction that the revision application filed by the applicant should be disposed of in accordance with law, within a period of six months from the date of communication of this order.

4. The applicant will be at liberty approach the appropriate legal forum in accordance with law, in case he feels aggrieved by the decision of the respondents.

5. The application is disposed of on the above lines. The parties will bear their own costs.


(S.P. Mukerji)
Vice-Chairman (A)


(P.K. Kartha)
Vice-Chairman (J)