

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00309/2020

Thursday, this the 6th day of August, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Binu T. Baby, aged 50 years, S/o. P.T. Baby,
 presently working as Chief Commercial Clerk,
 Tripunithura Railway Station, Trivandrum Division,
 Southern Railway, Residing at Kalarickal Garden,
 C.2, Eroor West, Tripunithura, Ernakulam District,
 Ph: 9847540795.

..... **Applicant**

(By Advocate : M/s. Varkey & Martin)

V e r s u s

1. Union of India, represented by
 The General Manager, Southern Railway, Park Town PO,
 Chennai – 600 003.
2. The Chief Commercial Manager (PS), Southern Railway,
 Park Town PO, Chennai – 600 003.
3. Additional Divisional Railway Manager, Southern Railway,
 Trivandrum Division, Trivandrum – 695 014.
4. The Senior Divisional Commercial Manager, Southern Railway,
 Trivandrum Division, Trivandrum – 695 014. **Respondents**

(By Advocate : Mr. Sunil Jacob Jose)

This application having been heard on 06.08.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard the Advocate Mr. Martin G. Thottan, appearing for the applicant and Advocate Mr. Sunil Jacob Jose, appearing for the respondents, through video conferencing.

2. The applicant is presently working as Chief Commercial Clerk at Tripunthura Railway Station in Trivandrum Division of Southern Railway. He is aggrieved by the orders passed by the disciplinary authority imposing a punishment of compulsory retirement and appellate authority imposing a revised penalty of reduction of pay to lowest pay in the time scale of pay in Level-6 at Rs. 35,400/- with loss of seniority and increment until retirement. Applicant submits that his Annexure A8 revision petition has not yet been disposed of by the revisional authority. Aggrieved he has filed the present OA seeking the following reliefs:

- “i) Call for the records leading to the issuance of Annexure A5 and A7 and quash the same with all consequential benefits including continuation in service.*
- ii) Declare that the applicant is entitled to be continued in service and for restoration of his pay and seniority as if the impugned orders are not in existence with all consequential benefits and direct the respondents accordingly.*
- iii) Award costs of and incidental to this application.*
- iv) Grant such other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”*

3. When the matter came up for consideration, learned counsel appearing for the applicant submitted that the applicant has filed a revision petition Annexure A8 dated 16.10.2018 before the revisional authority (2nd respondent) and no orders have been passed on the same till date. Applicant will be satisfied if a direction is given to the revisional authority to consider and pass orders on his revision petition in the light of Annexure A9 within a time frame.

4. Counsel for the respondents has no objection in considering the revision petition.

5. **In view of the limited submission made by the parties and without going into the merits of the case, we direct the revisional authority to consider and pass a reasoned and speaking order on Annexure A8 revision petition filed by the applicant within a period of three months from the date of receipt of a copy of this order. The applicant is also permitted to produce Annexure A9 judgment before the revisional authority.**

6. The OA is disposed of as above at the admission stage itself. No costs.

**(K.V. EAPEN)
ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)
JUDICIAL MEMBER**

“SA”

Original Application No. 180/00309/2020**APPLICANT'S ANNEXURES**

Annexure A1 – True copy the memo of charges bearing No. V/C.415/DAR/Major/CH.CC/ERS/BPB/01/16 C.2016323 dated 16.3.2016.

Annexure A2 – True copy of the statement of defense submitted by the applicant dated 15.6.2017.

Annexure A3 – True copy of the enquiry report dated 19.7.2017 along with covering letter dated 13.11.2017.

Annexure A4 – True copy of the objection to the enquiry report dated 12.12.2017 submitted by the applicant.

Annexure A5 – True copy of the penalty advice bearing No. V/C.415/DAR/Major/CH.CC/ERS/BPB/01/16 CO.2016323 dated 25.1.2018.

Annexure A6 – True copy of the appeal submitted by the applicant 6.2.2018.

Annexure A7 – True copy of the appellate order bearing No. V/P.227/A/2018/18/COMML dated 13.9.2018 issued by the 3rd respondent.

Annexure A8 – True copy of the revision petition dated 16.10.2018 submitted by the applicant.

Annexure A9 – True copy of the judgment of Chief Judicial Magistrate Court, Ernakulam in CC No. 90 of 2016 dated 29.7.2019.

RESPONDENTS' ANNEXURES

Nil

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