

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/01162/2014

HYDERABAD, this the 9th day of October, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



M. Krishna S/o Laxmiah,
Aged about 30 years, Ex. Yard Porter,
Manthatti Railway Station,
C/o Venkatamma, Trackwoman,
Railway Quarters, Tandur,
Ranga Reddy Dist, 501141.

...Applicant

(By Advocate : Mr. M. C. Jacob)

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Railways, Rail Bhavan,
New Delhi-110001.
2. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The Divisional Railway Manager,
South Central Railway,
Secunderabad Division,
Sanchalan Bhavan, Secunderabad.
4. The Senior Divisional Operating Manager,
South Central Railway,
Secunderabad Division,
Sanchalan Bhavan, Secunderabad.
5. The Divisional Operating Manager,
South Central Railway,
Secunderabad Division,
Sanchalan Bhavan, Secunderabad.

....Respondents

(By Advocate : Mr.N.Srinatha Rao, SC for Railways)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The OA is filed challenging the order of the third respondent dated 12.11.2013 in rejecting the review petition submitted under Rule 25-A of the Railway Servants (Discipline & Appeal) Rules 1968.

3. Applicant joined the respondents organization as Yard Porter on 8.12.2005 and he was issued a charge memorandum on 12.12.2007 for unauthorised absence under Rule 9 of RS (D&A) Rules 1968. After due inquiry, based on the I.O. report dated 23.2.2008 and the applicant's defence dated 15.5.2008, disciplinary authority imposed the penalty of removal on 28.5.2008. Appeal and revision petition preferred were rejected on 26.6.2008 and 10.9.2008 respectively. Thereafter, applicant represented for re-employment under Rule 402 IREC Vol-I inviting rejection on 3.2.2009. Consequently, review was filed under Rule 25-A on 17.2.2013 and the same was referred to the Zonal Railway on 9.4.2013 for remarks of the disciplinary authority which were offered on 27.8.2013. Divisional Railway Manager (P) rejected the review on 12.11.2013 and hence, the OA.

4. The contentions of the applicant are that the Impugned order dated 12.11.2013 was issued without jurisdiction by an incompetent authority. Review under Rule 25 has to be undertaken by the Railway Board since new material changing the nature of the case was raised by the applicant. 3rd respondent has relied on instruction No.6(9) of Appendix –II to IREC

Vol.I, which is not relevant. Applicant claims that the orders of the disciplinary, appeal and revision authorities were suffering from one or the other infirmity. Inquiry was conducted violating provisions of Rule 9 of the RS (D&A) Rules.



5. Respondents confirm that the applicant was removed from service on 28.5.2008 for unauthorized absence of 242 days after due disciplinary inquiry. Appeal and Revision petition preferred were dismissed on 26.6.2008 and 10.9.2008 respectively. Mercy petition filed too got dismissed on 3.2.2009. The review petition filed under rule 25-A of the RS (D&A) Rules 1968, was forwarded to the Railway Board on 21.7.2015 and the same is pending disposal.

6. Heard both the counsel and perused the pleadings on record.

7. I. The short point involved is the disposal of the review petition filed under Rule 25-A of RS (D&A) Rules 1968 which is reported to be pending with the Railway Board since 2015. Applicant was removed for unauthorised absence of 242 days by following the relevant rules prescribed under RS (D&A) Rules. Appeal, Revision petition and mercy petition filed by the applicant were rejected. Ld. Counsel for the applicant claims that the rejections are not based on proper facts and that they are arbitrary in nature. Hence, a review petition under Rule 25–A has been submitted and the same is pending with the Railway Board since the last 5 years. We are surprised to note that the Review Petition under Rule 25 of RS (DA) Rules 1968 sent

to the Railway Board on 21.7.2015 is still pending. Ld. Counsel for the applicant prayed for a direction for early disposal of the review petition.



II. Conceding to his prayer, which is innocuous, the 1st respondent is directed to dispose of the Review petition of the application cited in 3 months time from the date of receipt of this order, in accordance with rules and as per law by issuing a speaking and well reasoned order.

III. With the above direction the OA is disposed of. There shall be no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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