

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT RANCHI

Registration No. OA /0051/164/2021

CORAM

HON'BLE SHRI M.C.VERMA, MEMBER (JUDICIAL)
HON'BLE SHRI SUNIL KUMAR SINHA, MEMBER (ADMINISTRATIVE)

DATE OF ORDER: 11.03.2021.

Binod Kumar Pandey, son of Late Ram Sumer Pandey, resident of Railway Qr. No. 315/AB, R.E. Colony, gomoh, P.O.& P.S.-Hariharpur, District-Dhanbad.

.....Applicant

By advocate : Shri Shekhar Prasad Sinha

Versus

1. Union of India through Divisional Railway Manager [C], East Central railway, Dhanbad, P.O., P.s. & District-Dhanbad. Pin—826001.
2. Sr. Divisional Commercial Manager, East Central railway, Dhanbad, P.O., P.s. & District-Dhanbad. Pin—826001.

.....Respondents

By Advocate : Shri Prabhat Kumar, Id. SC

ORDER (ORAL)

Per M.C. Verma, Member (Judl.) :- The matter is at notice stage hearing. Having received advance copy of the OA Shri Prabhat Kumar Advocate has appeared for respondents.

2. Learned counsel Shri S.P. Sinha pressed the OA and submits that Disciplinary Authority, vide its order dated 20.10.2020 has passed order of removal from service of the applicant under Rule 14 (ii) of Railway Servants (Discipline and Appeal) Rules 1968. That vide order dated 23.12.2020 the order of Disciplinary Authority has been confirmed by the Appellate Authority. That Disciplinary Authority on whimsical ground departmental inquiry did dispense

with and its order also suffers from many other illegality and mistake as well. That appellate authority has also passed whimsical order.

3. Learned counsel Shri Prabhat Kumar vehemently opposed the maintainability of the OA and submits that Revision against the order of appellate authority lies and hence the OA is not maintainable. He request to dismiss the OA.

4. At this stage, learned counsel for applicant submits that it is true that no Revision was preferred and keeping in view the gravity of punishment inflicted applicant may be allowed to withdraw this OA with liberty to prefer the Revision petition. He also submits that limitation period in preferring Revision may be an issue so appropriate orders may be passed on point relating to limitation.

4. Considered the submissions. It is a case of removal from service, if revision is preferred at this stage, same may be barred by limitation and the Revisionary Authority instead of deciding the Revision on merit may decide the same on technicality. Anyhow, in view of totality, this OA is disposed of as withdrawn with liberty to the applicant to prefer Revision petition within three weeks from the date of receipt of copy of this order and if Revision is preferred by the applicant within given time of three weeks, the Revisionary Authority shall taking note of the fact that applicant, in misconception of law has preferred the OA and that the period involved is a period of pandemic, would consider his case sympathetically qua limitation period and shall pass a reasoned and

speaking final order on Revision Petition within two months from the date of receipt of Revision Petition.

[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/