

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.3008/91

New Delhi: Dated this the 21st day of April, 1997

HON'BLE MR.S.R.ADIGE MEMBER(A).

HON'BLE DR.A.VEDAVALLI MEMBER(J).

Raja Ram,
S/o Shri Munna Lal,
R/o Servants Quarters,
No.5, Man Singh Road,
Working as Gangman,
P.W.I Central Railway,
Bhopal (South Ex.),
Bhopal.

..... Applicant.

(By Advocate: Shri B.B.Rawal).

Versus

1. Union of India,
through the Chairman,
Railway Board,
Rail Bhawan,
New Delhi.

2. The Divisional Railway Manager,
Central Railway,
Bhopal

..... Respondents.

(None for the respondents)

JUDGMENT

BY HON'BLE MR.S.R.ADIGE MEMBER(A).

Applicant seeks quashing of impugned removal order dated 13/14.3.91(Annexure-A) and reinstatement, with full back wages and consequential benefits including promotion; difference of pay and allowances together with interest and costs.

2.. Applicant was chargesheeted on 16/23.12.87 (Annexure-A2) for having produced an allegedly false casual labour card bearing No.271584. It was alleged that this card dated 29.8.83 said to have been issued by GSM,Mahadev Khedi was sought to be got verified by DRM(Personnel) Jhansi vide his letter dated 13.6.86, upon which GSM Mahadev Khedi in his reply

dated 31.1.87 had stated that he had not issued the said Card.

3. On receipt of the charge sheet, applicant in his representation dated 5.1.89 to AEN Central Railway, Bhopal asked for certain documents.

4. The Enquiry Officer in his findings dated 26.1.91 held the charges against applicant as proved. A copy of the E.O. report was endorsed to applicant on 11.2.91 (Annexure-A5) for representation, if any. Applicant submitted his representation on 27.2.91 (Annexure-A6). On 13/14.3.91 the Disciplinary Authority stated "I have carefully considered your representation dated no representation received" (Annexure-A) and imposed the punishment of removal from service w.e.f. 19.3.91, which applicant's counsel points out displays total non application of mind. Applicant thereafter filed an appeal dated 22.3.91 (Annexure-A7) upon which no order appears to have been passed as yet, because no appellate order has been shown to us during hearing.

5. Meanwhile consequent to the interim order passed on 19.12.91, applicant's counsel informed us that applicant is still working.

6. As applicant's appeal dated 22.3.91 still remains undisposed of, we dispose of this OA with a direction to respondents to dispose of applicant's appeal petition by a detailed speaking and reasoned order, after giving him a reasonable opportunity of being heard in person, within 3 months from the date of receipt of a copy of this judgment under intimation to the applicant. Till the appellate orders are passed,

the interim orders will continue. While disposing of the appeal, pointed attention of the appellate authority is invited to that portion of the Disciplinary Authority's order dated 13/14.3.91 referred to in paragraph 4 above. If any grievance still survives after disposal of applicant's appeal, it will be open to him to agitate the same through appropriate proceedings in accordance with law/ if so advised. Till the disposal of the applicant's appeal, the interim orders on the basis of which applicant is said to be still continuing to work, shall continue to operate.

7. The OA is disposed of in terms of para 6 above. No costs.

A. Veda Valli
(DR.A.VEDAVALLI)
MEMBER(J).

S. R. Adige
(S.R.ADIGE)
MEMBER(A).

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