

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.3015/2004

New Delhi this the day of 2nd June, 2005

**Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)**

Shri Rohit Gupta
S/o Shri Gian Chand Gupta
Booking Clerk
Railway Station
Pilkhwa.

-Applicant

(By Advocate: Ms. Meenu Mainee)

Versus

Union of India: Through

1. The General Manager
Northern Railway
Baroda House, New Delhi.
2. The Divisional Railway Manager
Northern Railway, Moradabad.

-Respondents

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Applicant has challenged penalty of reduction in time scale from the stage of Rs.3540/- to Rs.3200/- for a period of 10 years postponing future increments in disciplinary proceedings against him.

2. Learned counsel of applicant stated that the Disciplinary Authority had not taken into consideration the provisions of Rule 704 and 705 of the Vigilance Manual inasmuch as no independent witnesses were associated with the raid although the rule provides that at least two gazetted officers should be associated with such raid and in case two gazetted officers could not be arranged, two independent officials must be associated with such trap. He relied on ATJ 2003 (2) 118 **Abdul Salam Vs. Union of India**. He further stated that while the applicant's appeal was rejected without passing any speaking and reasoned orders, the revision application was wrongly rejected on the ground of limitation. He pointed out that while the appellate orders were received by the Station Master on 2.1.2004, the same were delivered to the applicant subsequently and, as such, the revision petition filed by the applicant on

20.2.2004 is not time barred but has been rejected by the Revisional Authority as time barred. 10

3. No records have been shown to us in rebuttal of the contention made on behalf of the applicant that the appellate orders were received by the applicant on 16 subsequent to 2.1.2004.

4. It was suggested to the learned counsel of respondents that, in the interest of justice, the Revisional Authority should consider and decide applicant's revision on merits. Learned counsel of respondents has fairly consented to this suggestion.

5. In this light, this OA is partly allowed with a direction to respondent No.2,i.e. the Divisional Railway Manager, Northern Railway, Moradabad to re-decide applicant's revision by a detailed and speaking order within a period of 45 days from the date of communication of these orders. Annexure A-3 dated 28.4.2004 is, as such, quashed and set aside.

S. Raju
(Shanker Raju)
Member (J)

cc.

V.K. Majotra
(V.K. Majotra)
Vice Chairman (A)

2. 6. 05