

Central Administrative Tribunal
Principal Bench, New Delhi.

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OA-1008/2004

New Delhi this the 31st day of May, 2005.

Hon'ble Shri Shanker Raju, Member(J)
Hon'ble Shri S.A. Singh, Member(A)

Dr. S.K. Chugh,
S/o Sh. Dharamvir Chugh,
R/o 156, Nehru Apartments,
Outer Ring Road,
Kalkaji, New Delhi-19.

..... Applicant

(through Sh. B.S. Mainee, Advocate)

Versus

1. Union of India through
the Secretary,
Ministry of Railways,
Railway Board,
New Delhi.

2. Union Public Service Commission,
through its Chairman,
Dholpur House,
Shahjahan Road,
New Delhi.

..... Respondents

(through Sh. Shailendra Tiwary, Advocate)

Order (Oral)

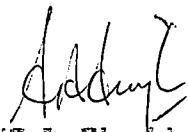
Hon'ble Shri Shanker Raju, Member(J)

Heard the learned counsel.

2. Admittedly against the Presidential order of penalty, under Rule 25 of Railway Servants (Discipline & Appeal) Rules, 1968, a review lies, which has not been exhausted by the applicant. During the course of arguments, it is stated that certain documents on record show that timely information has not been given regarding extension of training and no communication what-so-ever regarding conduct of disciplinary proceedings has been sent to the applicant. As such, ex-parte proceedings are without jurisdiction and deprives the applicant a reasonable opportunity to defend.

3. It is trite law that a right of appeal when available cannot be curtailed and has to be exercised. Keeping in light the mitigating factors and documents on record, we accord liberty to the applicant to prefer a review before the President on merits and direct respondents to dispose it of on merits by passing a detailed and speaking order within four months from the date of receipt of a copy of this order. We further direct the respondents in the wake of principle of natural justice to provide the applicant all documents regarding disciplinary proceedings i.e. copy of the charge sheet and enquiry report, within four weeks from today.

4. In the event the applicant is still aggrieved, it shall be open to him to take appropriate proceedings, in accordance with law. No costs.


(S.A. Singh)
Member(A)

/v/v/


(Shanker Raju)
Member(J)

— MA for ext of time
to dispose in writing