

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1147/2004

New Delhi this the 13th day of May, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S. A. Singh, Member (A)

Surendra Kumar Goel,
S/o Shri Krishna Kumar Goel,
Working as Office Supdt Gr.II,
Signal Workshop, Northern Railway,
Ghaziabad.

R/o 231, Masjid Wali gali, Railway Road,
Bajaria, Ghaziabad, U.P.

...Applicant.

(By advocate: Shri M.L. Sharma)

VERSUS

Union of India through

1. General Manager,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.
2. Chief Workshop Manager,
Signal Workshop,
Northern Railway,
Ghaziabad.

... Respondents.

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant had earlier filed OA 3190/2003 decided on 15.1.2004. This Tribunal had directed the respondent no.2 i.e. Chief Workshop Manager to consider the representation of the applicant and pass a speaking order within two months.

2. In pursuance of the said direction, the following order passed:-

In compliance of Hon'ble CAT New Delhi's orders dated 15.1.04 passed in OA No.3190/2003, I have considered your representation dated 29.5.2003 and found that a preventive check was conducted by the vigilance staff and you were found guilty

VS Ag

for the lapses committed by you while working in Foundry Shop. On the recommendation of vigilance department a minor penalty charge sheet was served upon you. After considering your reply, minor punishment was awarded to you, but the vigilance department is not in agreement with the punishment imposed upon you and desired to review the punishment by the revisional authority. Accordingly the case has been sent to Hd. Qrs. Office for review.

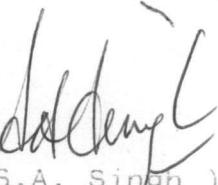
Only after the final decision from HQ office is conveyed to this office, your case for promotion will be considered.

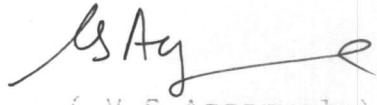
This is for your information."

3. The applicant contends that now to state that matter is under consideration with the revisional authority, who is not in agreement with the penalty awarded would be incorrect because after six months, the said authority cannot exercise the power of revision. It is also contended that the other person has since been promoted and applicant has been discriminated.

4. So far as the question of limitation is concerned, it would not be proper to express any opinion when the matter is still under consideration. At this stage, any opinion of this Tribunal would be embarrassing by either parties.

5. The cause of action would only arise after the final order is passed. The matter seemingly has been sent to the Headquarter to review. At this stage, the Original Application must be stated to be premature. Thus, it is dismissed.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman