

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 03rd Day of November, 2000

Coram: Hon'ble Mr. S. Dayal, A.M.
Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 107 of 1996.

Bhuvneshwar Yadav,
son of Sri Shanker Yadav,
Ex- Clerk Under S.S./C.R.S.,
Allahabad.
R/O Village Dhanauji Khas,
P.O. Ram Cola/Amwa Bazar,
Distt. Padrauna.

. . . Applicant.

Counsel for the Applicant: Sri Anand Kumar, Adv.

Versus

1. Union of India through General Manager,
N. Railway Baroda House, New Delhi.
2. Divisional Railway Manager, N. Railway,
Allahabad.
3. Sr. Divisional Electric Engineer (G)
N. Railway, Allahabad.
4. Assistant Electric Engineer, (G.)
N. Railway, Allahabad.

. . . Respondents.

Counsel for the Respondents: Sri A.C. Mishra, Adv.

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.))

This application has been filed for setting
aside the impugned order dated 16.1.95 and order in
appeal dated 22.11.95 with consequential benefits.

2. The applicant was issued a chargesheet dated 10.5.94 in which it was mentioned that he remained absent from 4.3.94 till date. An enquiry was held in which the Enquiry Officer found that the charge of remaining absent from 4.3.94 to 20.4.94 was established against the applicant. The disciplinary authority ordered removal from service. The applicant submitted his appeal which was decided by appellate order dated 22.11.95 and the appeal was rejected. The applicant thereafter filed revision petition dated 10.1.96 which is according to the applicant has not been disposed of so far.

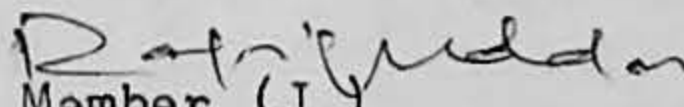
3. We have heard Sri Anand Kumar for the applicant and Sri A.C. Mishra counsel for the respondents.

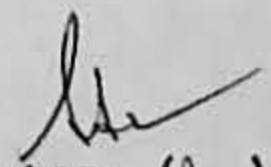
4. Learned counsel for the applicant has stated that the enquiry officer as well as the disciplinary authority have taken extraneous considerations into account in holding that the charge was established against the applicant. He mentions that while the show cause notice signed on 13.4.94 mentions that the applicant was absent from 4.3.94 till the date the notice was signed, onwards, The Enquiry Officer as well as the disciplinary authority have taken established the fact that the applicant was absent from 4.3.94 to 20.4.94. The disciplinary authority has also considered the genuineness or otherwise of the medical certificates in assessing the gravity of the offence while the charge did not mention anything about medical certificates. The learned counsel for the applicant also stated that the chargesheet was issued by an

officer not authorised to issue the same because the appointing authority of the applicant was Senior Divisional Electrical Engineer of Allahabad. He has also contended that the Appellate authority has not considered whether the punishment is commensurate with the offence or not.

5. The respondents have denied the receipt of the revision application from the applicant. However, the applicant has shown the receipt under which he had sent the revision petition to the General Manager on 11.1.96. We feel that the authority in revision can go into the issues raised by the learned counsel for the applicant before us as well as by the applicant in his revision application and pass orders on the revision petition.

6. Respondent No.1 is therefore directed to consider the revision petition of the applicant along with the points raised by the learned counsel for the applicant before us and decide the same within a period of three months from the date of receipt of a copy of this order from the applicant. No order as to costs.


Member (J.)


Member (A.)

Nafees.