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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 27th day of March 2001.

Original Application no. 525 of 1997.

Hon'ble Mr. S.K.I. Naqvi, Member-J

Hon'ble Maj Gen K.K. Srivastava, Member-A

Faranklin Dived Singh,
S/o late Shri C.D. Singh,
R/o Banglow No. 2, Mission Road,
Old Katra, Kachery,
ALLAHABAD.

... Applicant

C/A Sri R. Verma

Versus

1. Union of India through the General Manager,
N. Rly., Baroda House,
NEW DELHI.
2. The Divisional Mechanical Engineer (P),
N. Rly., LUCKNOW.
3. The Asstt. Mechanical Engineer,
N. Rly.,
LUCKNOW.
4. The Additional Divisional Railway Manager,
N. Rly.,
LUCKNOW.

... Respondents.

C/Rs. Sri A.K. Gaur

Se - ...2/-

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O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

The applicant, Shri F.D. Singh, while posted as Diesel Assistant, he was subjected to disciplinary proceedings and after due inquiry, the disciplinary authority passed punishment order dated 31.10.94, copy of which has been annexed as annexure A-1 to the O.A., through which punishment of removal from service was imposed upon him. Against this order the applicant preferred an appeal before the appellate authority, who dismissed the same vide order dated 25/31-07-1995, copy of which has been annexed as annexure A-2 to the O.A. and, thereafter, the applicant came on review side and filed petition dated 08.08.95 before D.R.M., N. Rly., Lucknow (annexure A-10 to the OA), but the same was returned back to him on the ground that he did not approached the competent authority. Thereafter, the petitioner approached respondent no. 1 through review petition, but the same is said to be pending till filing of the O.A. The applicant has come up impugning the punishment order and order passed by appellate authority.

2. The respondents have contested the case and filed CA and pleaded that the impugned orders have been passed in accordance with circumstances of the case and the rules in this regard. In para 19 there is denial of any review petition having been received by the competent authority.

S.C. -

...3/-

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3. Heard Sri R. Verma learned counsel for the applicant and Sri A.K. Gaur learned counsel for the respondents and perused the record.

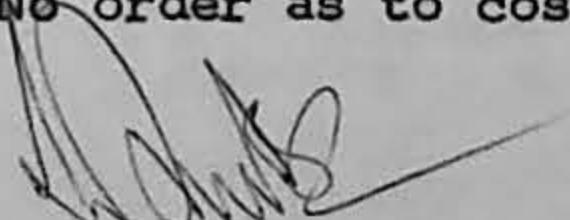
4. We find that the applicant has preferred the OA when his review petition was still under consideration, as per his case, whereas the respondents have denied to have received any such petition.

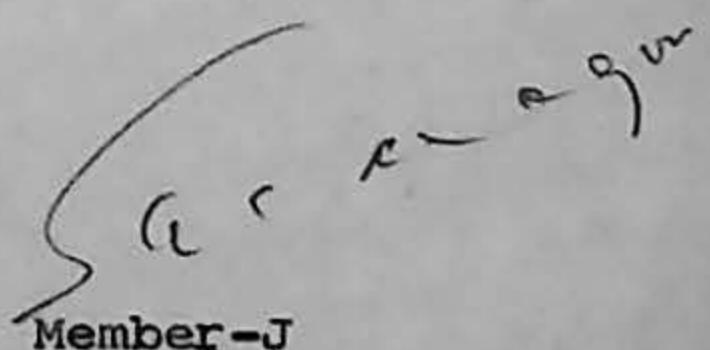
5. Keeping in view the facts and circumstances of the matter, we find a fit case were the competent authority in the respondents establishment may be directed to decide the pending review petition of the applicant. Sri R. Verma, learned counsel for the applicant seeks liberty to file a fresh review petition on the ground that the pending review petition is not very happily worded and a fresh petition may help the authority concern to come at proper logical conclusion.

6. For the above we decide the OA as under :-

the applicant is granted six weeks time to move a fresh review petition to the competent authority in this regard who shall decide the same within 60 days, thereafter. The OA is decided accordingly.

7. No order as to costs.


Member-A


Member-J

/pc/