

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Diary No. 1866 of 2001

Original Application No.1365 of 2001

Allahabad this the 20th day of November, 2001

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen K.K. Srivastava, Member (A)

Ishwar Chand Sharma, aged about 53 years, Son of
Shri Hari Chand Sharma, resident of House No.4/315,
Balu Ganj, Agra.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central
Railway, Mumbai CST.
2. Divisional Railway Manager, Central Railway,
Jhansi.

Respondents

By Advocate Shri K.P. Singh

O_R_D_E_R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

This application under Section 19 of
the Administrative Tribunals Act, 1985 has been
filed challenging the orders dated 22/04/98
(annexure-I), 16.09.98(annexure-II) and order
dated 29.09.98(annexure-III), by which the
applicant has been punished in disciplinary
proceedings for the charges that on 07.09.97
the applicant-Ishwar Chand Sharma indulged in
Marpeet and had beaten one Manohar Lal, Fitter
Grade I, who was senior to the applicant. For
the aforesaid charge, the applicant was also



prosecuted in a criminal case registered as case no.3383 of 1997 in the Court of Addl.Chief Judicial Magistrate Railways, Agra Cantt. The applicant was tried for the offence under Section 145 of the Railways Act. The applicant was, however, acquitted. The submission of the counsel for the applicant is that though this O.A. has been filed beyond time, the applicant has now a remedy before railway authorities by making a representation on the basis of circular dated 07.06.95, which provides that there may be a review of decision taken in departmental proceedings on acquittal of railway servant. Learned -counsel for the applicant has submitted that the applicant may be given liberty to approach the respondents for review, for which an application has already been filed on 07.01.1999 (annexure A-VIII) which is pending and no decision has been taken.

2. Considering the facts and circumstances of the case, the application is disposed of finally with the direction to the respondents to place the representation of the applicant seeking review of the punishment order on the basis of acquittal in his favour vide order dated 30/11/98, and the competent authority may review the same in accordance with law within 3 months from the date of copy of this order is filed before him. No order as to costs.



Member (A)



Vice Chairman

/M.M./