

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 01st day of July, 2003.

Original Application No. 749 of 2001.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.  
Hon'ble Mr. D.R. Tewari, Member- A.

Budha Ram S/o Late Ram Raj  
R/o 305-A, Central Goods Shed, Northern Railway,  
Kanpur Nagar. At Present working as Chief Goods  
Supervisor, Northern Railway, Panki, Kanpur.

.....Applicant

Counsel for the applicant :- Sri N.P. Singh

V E R S U S

1. The Union of India through the General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The Chief Commercial Manager, Northern Railway,  
Baroda House, New Delhi.
3. The Chief Traffic Manager,  
Northern Railway, Kanpur.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (Oral)

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

By this O.A filed under section 19 of the Administrative  
Tribunals Act, 1985, the applicant has challenged the show  
cause notice dated 25.05.2001 served on the applicant along-  
with letter dated 06.06.2001 (annexure- 12) by which General  
Manager, Head Quarters Office, Baroda House, New Delhi ~~has~~ <sup>has</sup>  
~~proposed a~~ <sup>proposed a</sup> ~~penalty~~ <sup>penalty</sup> to enhance the punishment and to award the penalty  
of removal ~~from service of the applicant~~ <sup>of the applicant</sup>. The applicant has  
been asked to submit his reply within 10 days.



2. Learned counsel for the applicant has submitted that the show cause notice of revision of penalty has been issued under Rule 25 and the present notice has been issued <sup>longer</sup> after <sup>of six months</sup> ~~long~~ expiry from the date of the order. Learned counsel has submitted that the show cause notice is liable to <sup>be</sup> ~~the~~ quashed.

3. We have considered the submission of learned counsel for the applicant and perused ~~the~~ sub rule 5 of Rule 25 of the Railway Servants (Discipline and Appeal) Rules, 1968. Proviso ~~to~~ the aforesaid sub rule <sup>5</sup> of Rule 25 reads as under :-

"Provided that when revision is undertaken by the Railway Board or the General Manager of a Zonal Railway or an authority of the status of a General Manager in any other Railway Unit or Administration when they are higher than the appellate authority, and by the President even when he is the appellate authority, this can be done without restriction of any time limit."

4. In the present case, show cause notice has been issued by the Railway Board through the General Manager. In the circumstances, there is no question of any limitation as provided in proviso of sub Rule <sup>5</sup> of Rule 25. The submission of learned counsel for the applicant cannot be accepted.

5. Suppl. Affidavit has been filed by the applicant annexing therewith the reply of the impugned show cause notice, which was submitted by the applicant. In the circumstances, there is no question of interference by this Tribunal at this stage. The O.A is dismissed and the interim order dated 09.07.2001 is vacated. As the matter is very old, the <sup>Revising</sup> ~~Revisionary~~ Authority is directed to decide the case of the applicant within period of three months from the date a copy of this order is filed.

6. There will be no order as to costs.

/Anand/

Member- A.

Vice-Chairman