

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~~ ^{has} ~~proposed~~ ^{to} ~~the~~ ^{the} applicant ~~to~~ ^{to} enhance the punishment and to award the penalty of removal from service ~~of the applicant~~. The applicant has been asked to submit his reply within 10 days.



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 ~~of~~ the aforesaid sub rule ~~5~~ 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 ~~5~~ 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 ~~Revisionary~~ ^{Temporary} ~~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/

Dinesh
Member- A.

R
Vice-Chairman