

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated : This the 18th day of MARCH 2004.

Original Application no. 179 of 2004.

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

Pooran, S/o late Sri Bhupat,  
R/o Vill & Post Sonari,  
Agra.

... Applicant

By Adv : Sri Rakesh Verma

**V E R S U S**

1. Union of India through the General Manager,  
Western Railway, Church Gate,  
MUMBAI.
2. The Chief Engineer, Western Railway,  
O/o General Manager, Church Gate,  
MUMBAI.
3. The Senior Divisional Engineer (HQ),  
Western Railway,  
KOTA.
4. The Divisional Engineer (C),  
Western Railway,  
KOTA.

... Respondents

By Adv : Sri K.P. Singh

O R D E R

Maj Gen K.K. Srivastava, Member-A.

In this OA, filed under Section 19 of the A.T. Act, 1985, the applicant has prayed for quashing the impugned punishment order dated 03.06.2002 passed by respondent no. 4, by which the punishment of compulsory retirement has been awarded. The applicant has also challenged the appellate order dated 14.02.2003 rejecting the appeal of the applicant

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passed by respondent no. 3. The applicant has prayed for direction to the respondents no. 3 & 4 to reinstate the applicant and treat him to have continued in service till 30.06.2002 with all consequential benefits. The applicant has also prayed for direction to respondent no. 2 to decide the revision petition dated 25.3.2003 by a reasoned and speaking order.

2. The facts, in short, are that the applicant was initially appointed as substitute Gangman on 21.2.1979 at Edgah. He was subsequently promoted as Gateman w.e.f. 01.01.1080. The applicant was issued charge sheet dated 04.06.1987 (Ann A3) with allegation that he submitted false certificate of 8th class pass, which amounted serious misconduct of Railway Servants (Conduct) Rules 1966. Enquiry was held and after conclusion of the enquiry the Disciplinary Authority passed the order dated 28.09.1994 inflicting the punishment of removal from service. The applicant filed appeal which was rejected. However, the revisionary authority allowed the revision petition of the applicant and set aside the removal order remitting the case back to respondent no. 4 for holding de-novo enquiry. The enquiry officer further proceeded in the matter and submitted the report on 12.08.2001, against which the applicant submitted representation dated 24.11.2001. However, the grievance of the applicant is that without considering the points raised by the applicant in his representation the Disciplinary Authority passed the impugned order dated 03.06.2002 ordering the Compulsory Retirement of the applicant from service. The applicant preferred appeal against the order dated 03.06.2002 which was rejected by Appellate Authority by the impugned order dated 14.2.2003. The applicant has filed revision petition before revisionary

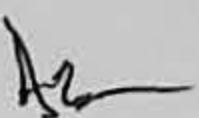
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authority i.e. respondent no. 2 on 25.03.2003, which is still pending.

3. Sri K.P. Singh, learned counsel for the respondents ~~had~~ prayed for time to file CA. Since the OA can be decided at the admission stage itself no time is being granted to the respondents to file CA. In our considered opinion the ends of justice shall be better served, if a suitable <sup>wish</sup> direction be issued to respondent no.2 to decide the revision petition of the applicant dated 25.3.2003.

4. In the facts and circumstances, we direct respondent no. 2 to decide the revision petition of the applicant dated 25.3.2003 by a reasoned and speaking order within a period of three months from the date of communication of the order.

5. With the above direction the OA stands disposed of at the admission stage itself with no order as to costs.



Member-J



Member-A

/pc/