

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 118 of 2005

Tuesday, this the 20th day of March, 2007

Hon'ble Mr. K.S. Menon, Member (A)
Hon'ble Mr. S.K. Dhal, Member (J)

Narendra Babu, Son of Sri Ram Prasad, Resident of 185, Subhash Nagar, Tilak Colony, Bareilly, U.P., Presently is working as Technical Grade-III/Diesel Loco Shed, N.E. Railway, Izzat Nagar, Bareilly.

Applicant

By Advocate Sri R.C. Pathak

Versus

1. Union of India, through the General Manager, North Eastern Railway (N.E.) Railway, H.Q. Gorakhpur.
2. The Divisional Railway Manager (D.R.M.), N.E. Railway, Office of the D.R.M. N.E. Railway, Izzat Nagar, Bareilly.
3. The Senior Divisional Mechanical Engineer/Diesel, N.E. Railway, Izzat Nagar, Bareilly (U.P.).
4. The Assistant Divisional Mechanical/Diesel Engineer, N.E. Railway, Izzat Nagar, Bareilly, (U.P.).

Respondents

By Advocates S/Sri K.P. Singh, D.P. Singh

ORDER

By Mr. S.K. Dhal, Member (J)

Sri R.C. Pathak for the applicant. Sri K.P. Singh assisted by Sri D.P. Singh, are present for the respondents.

2. It is submitted on behalf of applicant's counsel that punishment of removal from service due to absence is very disproportionate to the misconduct and he may be permitted to file a representation to the higher authority for favourable consideration regarding the punishment. Upon hearing the learned counsel for the parties, we are inclined to allow the applicant to file a representation within one month before the Revisional Authority as regards the punishment imposed on him without adjudicating the finding of the Inquiry Officer or the Appellate Authority. This prayer of the applicant's counsel has been resisted by the respondents' counsel

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on the ground that there is no such provision to file a Revision after the prescribed period of limitation.

3. However, considering the nature of litigation, we are of the view that the applicant may be permitted to file a revision before the Revisional Authority. Accordingly, we dispose of the O.A. with direction to the applicant to file a representation before the Revisional Authority within a period of one month from today, who will consider the quantum of punishment imposed upon the applicant and will pass a reasoned and speaking order within a period of two months from the date a representation is preferred before him. No order as to costs.

Sri

Member (J)

Ghosh

Member (A)

/M.M./