

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 714 of 1994

Jagroop Applicant.

Versus

Union of India & ors. Respondents.

Hon'ble Mr. S.Das Gupta, Member-A

Hon'ble Mr. T.L.Verma, Member-B

(By Hon'ble Mr. S.Das Gupta, A.M.)

Heard Shri Rakesh Verma, learned counsel
for the applicant.

2. ^{Case} The applicant in this ^{case} was working as Fitter in a regular and substantive capacity under the control of the respondent No. 3 since 1971. He was chargesheeted vide memorandum dated 31.10.1990 and thereafter, on completion of the inquiry, a disciplinary Authority removed him from service vide order dated 20.3.1991 (Annexure A-1). The petitioner preferred an appeal against the order of the disciplinary Authority and the same was rejected vide appellate Authority's order dated 26.5.1992 (Annexure A-2). Thereupon, the petitioner stated to have filed a review petition vide communication dated 21.9.1992 (Annexure A-6). This petition was however, treated as a mercy appeal by the respondents and disposed of with the remark that there was no further channel of appeal to the

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General Manager vide order dated 15.1.1993 (Annexure A-7). The petitioner, it is stated, submitted another review application and the same is stated to have been received by the respondents. This petition was disposed of vide impugned order dated 20.5.1993 (Annexure A-3) with the following remarks;

"In reference to your 11th mercy appeal cited above, it is to inform you that your earlier mercy appeal has already been disposed of and the intimation has already been sent to you vide this office letter No. Vig/5/UMB/90/Mech. dated 15.1.1993. A copy of which is being sent again to you along with this letter. Now any review of the case lies with the President and such review application would be forwarded only if some new facts are brought to light."

3. The learned counsel for the applicant submits that at this stage a proper consideration and disposal of the review petition by the Reviewing Authority will meet the ends of justice. We find from the perusal of the Railway Servants (Discipline & Appeal) Rules that under Rule 25 thereof, the General Manager of a Zonal Railway is one of the Authorities competent to review any order made under these Rules. In view of this clear provision in the Railway Servants (Discipline & Appeal) Rules, we direct that the review petitions stated to have been preferred by the petitioner, be disposed of on merit by the Reviewing Authority-in this case the General Manager, Northern Railway, New Delhi

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— by a reasoned and speaking order within a period of 3 months from the date of communication of this order.

4. This application is disposed of in limine with the above direction.



Member-J



Member-A

Allahabad Dated: 6.5.1994

/jw/