

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Review Application No. 197 of 2002

In

Original Application No. 1276 of 2001

Allahabad this the 16 day of August 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Mr.C.S. Chadha, Member (A)

Union of India and Others

By Advocate Shri K.P. Singh

Versus

Ashok

Advocate Shri Vikas Budhwar

O R D E R

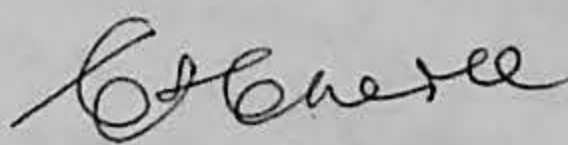
By Hon'ble Mr.C.S. Chadha, Member (A)

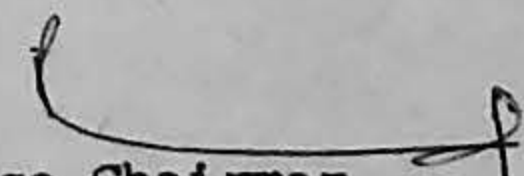
This review petition is for seeking certain clarification in the order passed by this Tribunal in O.A.No.1276 of 2001 on 29.11.2001, strictly speaking it is not a clarification but a small correction that is requested for. In brief the applicant had been removed from service on the basis of a criminal charge in which he was found guilty in a departmental inquiry. His appeal and revision were also rejected by the higher authorities. However, the applicant was acquitted by the criminal court, where a case had been filed for the same charges, on 27.11.2000. He, therefore, approached this Tribunal vide the above mentioned O.A. & the Tribunal passed an order directing the ...pg.2/-

*C. Chowdhury*

respondent no.4 to consider and decide <sup>to a fresh representation</sup> by a reasoned and speaking order, within 3 months from the date of receipt of a fresh representation which was allowed to be filed by the applicant. The arguments put-forth before us in the review petition is that since in the departmental proceedings his revision had been decided by the respondent no.4, i.e. D.R.M(safety) Varanasi, the same person should not decide his representation. After hearing the arguments we seem to agree that the representation should be decided by an authority higher than the respondent no.4 who decided the revision.

2. In the circumstances mentioned above, the revision petition is allowed to the extent that a fresh representation which the applicant may file may be decided by a reasoned and speaking order by an authority immediately higher than Divisional Railway Manager(Safety) Varanasi, within a period of 3 months from the date of receipt of the representation. In all probability the next higher authority is the Divisional Railway Manager, North Eastern Railway, Varanasi and, therefore, the representation should be decided by him.

  
Member (A)

  
Vice Chairman

/M.M./