

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

Original Application NO.806 of 2006

ALLAHABAD THIS THE 3<sup>RD</sup> DAY OF AUGUST 2006.

HON'BLE MR. JUSTICE KHEM KARAN, V.C.  
HON'BLE MR. P.K. CHATTERJI, A.M

Sudhir Chandra Srivastava, S/o late Rudra Prasad Srivastava, R/o  
562 Ka, Bichhiya Railway Colony, District Gorakhpur.

.....Applicant.

(By Advocate : Sri Ajay Rajendra/Sri V.K. Gupta)

Versus.

1. Union of India through General Manager, North Eastern  
Railway, District Gorakhpur.
2. The Senior Manager (Printing & Stationary), North  
Eastern Railway, District Gorakhpur.

.....Respondents

(By Advocate : Sri P.N Rai)

ORDER

By HON'BLE MR. JUSTICE KHEM KARAN, V.C.

Heard Sri A. Rajendra counsel for the applicant and Sri P.N  
Rai appearing for the respondents on this O.A.

2. Learned counsel for the applicant has stated that earlier the  
allegation of giving wrong date of birth was enquired into and the  
Disciplinary Authority exonerated the present applicant but the  
Appellate Authority <sup>8.10.06</sup> ~~so-moto~~ terminated the services of the



applicant, <sup>4</sup> against which he filed O.A. NO.78/05 which this Tribunal decided on 20<sup>th</sup> July 2005 providing that the applicant could go in revision. It is stated that in revision, the Authority concerned passed the impugned order (Annexure A-1) remitting the case back to the Disciplinary Authority for holding the enquiry afresh, including framing of charges afresh. Aggrieved by this order of <sup>Revisional</sup> ~~Revisionary~~ Authority and issuance of fresh chargesheet by the Disciplinary Authority, the applicant has again come to this Tribunal.

3. Although Sri A. Rajendra has tried his best to convince us that <sup>Revising</sup> ~~Revisionary~~ Authority <sup>could</sup> ~~could~~ not have provided for issuance of a fresh chargesheet but we have not been able to persuade ourselves to accept it considering the <sup>wide language</sup> ~~physiology~~ used in Rule <sup>25</sup> ~~11~~ of ~~the~~ Railway Servant (Discipline and Appeal) Rules 1968. Sri A. Rajendra has stated that this may be finally disposed of with a direction to the Disciplinary Authority to dispose of his representation dated 15.6.2006. Copy of which has not been annexed to this O.A.

4. We think this O.A. can be finally disposed of as requested by Sri A. Rajendra so it is disposed of with a direction to the respondent NO.2 to consider and dispose of representation dated 15.6.06, if any, received by him, within a period of 15 days from the date of certified copy of the order is produced before him together with the copy of such representation.

No costs.

  
Member-A

  
Vice-Chairman.

Manish/-