

Chimanbhai Shivabhai Chauhan .. Applicant

Versus

Union of India & Ors. .. Respondents

CORAM : Hon'ble Mr. G.S. Nair .. Vice Chairman

Hon'ble Mr. M.M. Singh .. Administrative Member

Counsel for Applicant : Mr. K.I. Patel

Counsel for Respondents: Mr. R.M. Vin

O R D E R

Date : 21.3.1990

Per : Hon'ble Mr. G.S. Nair .. Vice Chairman

The applicant who was serving as a Platform Porter under the respondents was proceeded against by issue of a memorandum dt. 4.9.1987 under Rule 14(1) of the Railway Servant (Discipline & Appeal) Rules, 1968 ~~proposing the~~ imposing penalty ~~on him~~ of removal from service on the ground of his conduct that led to his conviction on a criminal charge for offence under Bombay Prohibition Act on the allegation that he was found in intoxicated condition at Mora station. Accordingly, a penalty of removal from service was imposed. Appeal preferred by the applicant was unsuccessful, hence he has filed this application for setting aside the order of removal.

2. In the reply filed by the respondents, it is stated, inter alia, that against the order of ~~the~~ appellate authority, the applicant had submitted a review petition to the Reviewing Authority viz.

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Divisional Railway Manager who is the third respondent in this application and the same is under consideration.

3. Counsel of the applicant submitted that the conviction was on the basis of the admission of guilt and that the conduct is not ~~relied~~ such as to warrant the imposition of a penalty ~~at least~~ ~~that~~ of removal from service. In the circumstances of the case since the review petition that has been filed by the applicant is pending before the third respondent, we are not expressing our views on this matter. It will be open to the applicant to advance this plea before the third respondent while he considers the review petition.

4. In the result, we hereby direct the third respondent to consider and dispose of the review petition submitted by the applicant against the order of ~~appellate authority~~, after affording the applicant an opportunity of being heard and considering various points urged by the applicant including the quantum of penalty. This shall be done by the third respondent within a period of three months from the date of receipt of copy of the order.

Application disposed of as above.

M. M. Singh  
( M M Singh )  
Administrative Member

*Erson*  
( G S Nair )  
Vice Chairman  
28.3.1990