

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No.
~~XXX~~

148 of 1989.

DATE OF DECISION 24/06/1993.

Shri Attaullahkhan Petitioner

Shri M.A.Kadri Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Shri N.S.Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.N.B.Patel : Vice Chairman

The Hon'ble Mr. V.Radhakrishnan : Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

NO

Attaullah Khan,
son of Habib Khan Pathan,
C/o. Maksud Khan Mahboob Khan Pathan Foolwala,
2250, Opp; Cama Hotel,
Behind Asho-palav Flats,
Khanpur,
Ahmedabad.

....Applicant.

(Advocate : Mr. M. A. Kadri)

Versus

1. Union of India,
Owning and representing,
through : The General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. The Division Railway Manager,
Vadodara Division,
Western Railway,
Pratapnagar,
Vadodara - 390 004.

...Respondents.

(Advocate : Mr. N. S. Shevde)

ORAL JUDGMENT

O.A. NO. 148 OF 1989.

Dated : 24/06/1993

Per : Hon'ble Mr. N. B. Patel : Vice Chairman

We find from the orders of the disciplinary authority and the appellate authority that they have not gone into the question whether the applicant was, in fact, ill during the relevant period and was prevented by illness from attending to his duty. Since neither the disciplinary authority nor the appellate authority has recorded a clear finding that the ground of illness put forward by the applicant was not a genuine ground, we feel, *prima facie*, that punishment of removal from service is harsh in the case of the applicant who is a Class-IV employee and who is, at best,

a semi-literate person. We are informed that revision lies against the appellate order to the Divisional Railway Manager, Western Railway, Vadodara Division. Mr.M.A.Kadri on behalf of the applicant states that the applicant is prepared to prefer a Revision Application and even to give up claim to back wages provided his Revision Application is entertained without going into the question of delay or limitation-bar.

In the circumstances, we direct the Divisional Railway Manager, Western Railway, Baroda Division, to entertain the Revision Application from the applicant provided the applicant makes such a Revision Application within a period of four weeks from today, without raising any question of such application being time-barred or delayed. We further make it clear that the Divisional Railway Manager, Western Railway, Baroda Division, may entertain the Revision Application only if in the Revision Application the applicant clearly states that he gives up claim for back wages in the event of his reinstatement in service with a lesser punishment.

If the applicant makes Revision Application within the aforesaid stipulated period containing the aforesaid undertaking the Divisional Railway Manager, Western Railway, Baroda Division is directed to dispose of such Revision Application within a period of three months of the date of receipt of the Revision Application by him. We are hopeful that if the applicant presses his application only on the ground of quantum of punishment, the revising authority will sympathetically consider his Revision Application bearing in mind that the applicant was holding a Class

post and is a semi-literate poor person who may have the responsibility to maintain ~~the~~ family.

2. In view of these directions, and the hope expressed by us above, Mr.M.A.Kadri, seeks permission to withdraw the application. Permission granted. The application stands disposed of as withdrawn. NO order as to costs.


(V.Radhakrishnan)
Member (A)


(N.B.Patel)
Vice Chairman

AIT