

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 19/89

T.A. NO.

DATE OF DECISION 19-7-94

Shri V.F. Joshi

Petitioner

Shri K.K. Shah

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. K. Ramamoorthy

Member (A)

The Hon'ble Dr. R.K. Saxena

Member (J)

JUDGMENT

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

3 No.

2. The facts in brief are that Shri Vasudev F. Joshi was a driver and was serving under the respondents. There had been collision between the goods train driven by him and Saurashtra Express on 26-3-1988. The major joint inquiry was conducted and besides other employees of the Railways, the applicant was also found responsible for the accident. The applicant was, however, charge-sheeted on 14-4-1988, and to which explanation was submitted. The inquiry was conducted and ultimately the inquiry officer found the charges established against him. The Disciplinary Authority, on consideration of the report of the inquiry officer, passed order of punishment on 29-6-1988 whereby the applicant was removed from service. The applicant had preferred an appeal before the Appellate Authority but the same was rejected on 2-12-1988. Thereafter, the applicant directly approached the Tribunal and the matter was concluded and the judgement was reserved. The applicant then awoke on the objections which were raised by the respondents in the counter, filed on their behalf. According to the Rules, there is provision for filing Revision Application if the appeal is dismissed. The applicant before approaching this Tribunal, ought to have exhausted even that remedy which was available to him. In these circumstances, the application for withdrawal of the case, by the applicant is allowed. The Revisional Authority shall dispose of the revision after taking this fact into consideration that the applicant had been ~~seeking~~ ^{the} remedy before the Tribunal during this period. The learned counsel for the respondents Mr. Shevde contends

Vasudev F. Joshi
 C/o K.K. Shah
 Advocate,
 3, Achala Yatan Society
 Part II, B/h Memnagar
 Fire Station, Ahmedabad.

Applicant

Advocate Shri K.K. Shah

Versus

1. Union of India, Notices to be served through The General Manager Western Railway, Churchgate, Bombay.
2. Divisional Mechanical Engineer (L) Western Railway, Baroda.
3. Divisional Railway Manager Western Railway, Pratapnagar Baroda.

Respondents

Advocate Shri N.S. Shevde.

JUDGMENT

In

Date: 19-7-94.

O.A. 19 of 89

Per Hon'ble Dr. R.K. Saxena

Member (J)

This case which started on the application of Shri V.F. Joshi, was reserved for judgement, after final arguments were heard on the matter. In the meantime Shri V.F. Joshi moved another application to seek withdrawal of the case because the remedy of Revision was not exhausted by him.