

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 119/90

~~Exhibit No.~~

DATE OF DECISION 19/7/1994

Shri Bhupathbhai V.Patel

Petitioner

Mr. K. K. Shah

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent

Mr. R. M. Vin

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N. E. Patel

: Vice Chairman

The Hon'ble Mr. V. Radhakrishnan

: Member (A)

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 ?

NO

Shri Bhupatbhai V.Patel
9, Fatal Nagar-1,
Adajan Road,
Surat.

(46)
: Applicant

(Advocate: Mr.K.K.Shah)

Versus

1. Union of India,
Through:
Shri Subramaniam or his
Successor General Manager(E),
Western Railway,
Headquarter Office,
Churchgate, Bombay-20.
2. Shri B.P.Tayal or his successor
Sr.Divisional Commercial Supdt.,
D.P.M. Office,
Bombay Central.
3. Additional Divisional Railway
Manager (G), Divisional
Railway Manager's Office,
Western Railay, Bombay Central. : Respondents

(Advocate: Mr.R.M.Vin)

ORAL ORDER

In

O.A. 119/90

Date: 19/7/1994

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

: Vice Chairman

The applicant's appeal against the order of his removal from service was disposed of by order dated 8.12.1989 passed by the Additional Divisional Railway Manager(G), Bombay Central and while confirming the finding that the charge against the applicant was proved, the said Appellate Authority has reduced the punishment from one of removal to one of compulsory retirement. It appears that the order passed by the Appellate Authority is open to revision under Rule 25 of the Railway Servants (Discipline and Appeal) Rules, 1968 and it is said that the revision lies to the Chief Commercial Manager, Western Railway, Bombay

Without approaching the said authority having revisional powers, the applicant has filed this Original Application. One of the contentions raised by the applicant is that the Appellate Authority had committed a serious error in holding the applicant guilty of a charge other than the charge which was levelled against the applicant. Even if there is any substance in this contention, there is no reason why the applicant should not have approached the authority having revisional powers i.e. the Chief Commercial Manager. When this position was pointed out to Mr. Shah, he submitted that the Chief Commercial Manager may not now entertain the Revision Application on the ground of its being belated. He however, states that the applicant will be satisfied at this stage, if the Chief Commercial Manager is directed to entertain and decide his Revision Application without going into the question of delay. Mr. Shah also states that if the Chief Commercial Manager is directed to decide the Revision Application within a stipulated time-limit, the applicant is prepared to withdraw the O.A. If the applicant prefers a Revision Application within a period of 15 days from today, the Chief Commercial Manager is directed to entertain the Revision Application and to decide the same without raising any question of limitation or delay within a period of 4 months after the receipt of the Revision Application by him. If the Chief Commercial Manager finds that the Revision Application does not lie before him, he may send it to the appropriate authority for disposal. In view of these directions, Mr. Shah withdraws the O.A. with permission to file a fresh O.A. in the event of the applicant being aggrieved by the decision that may be taken on his Revision

Application. Permission granted. O.A. stands disposed of as withdrawn with liberty as prayed for. No order as to costs.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman

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