

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 349/91 with MA/247/93
~~P.A.NO.~~

DATE OF DECISION 10.8.98

Shri Krishnakant Kalidas Raval Petitioner

Mr.R.T.Dave Advocate for the Petitioner [s]

Versus

Union of India & Ors. Respondent

Mr.N.S.Shevde Advocate for the Respondent [s]

CORAM

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

The Hon'ble Mr. Laxman Jha : 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 ?

Shri Krishnakant Kalidas Raval,
Room No.412, C/o.Mandoksing
Gorkha, Adarshnagar, P.O.Tarsali,
Vadodara.

: Applicant

(Advocate: Mr.R.T.Dave)

Versus

1. Union of India
Representing General
Manager, Western Railway,
Bombay.
2. Assistant Works Manager,
Western Railway,
Pratapnagar,
Vadodara.
3. Works Manager,
Western Railway,
Pratapnagar Dist.
Vadodara.
4. Deputy Chief Mechanical
Engineer, Western Railway,
Dahod, Dist.P.Ms.
5. Chief Workshop Engineer,
Western Railway,
Churchgate, Bombay.

: Respondents

(Advocate: Mr.N.S.Shevde)

ORAL ORDER

O.A.349/91 with
M.A.247/93

Date:10.8.98

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

Heard Mr.R.T.Dave and Mr.N.S.Shevde, learned
counsels for the applicant and the respondents
respectively.

Delay condoned. M.S.stands disposed of
accordingly. O.A. has been taken up for final hearing.

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In this O.A. the applicant has challenged the removal order passed by the respondents on account of his remaining absence without permission from 24.2.86 to 1.7.86. Mr.Dave states that the speaking order in the N.I.P. passed by the Office Superintendent who is not the appointing authority of the applicant. Further he states that the appellate authority in its order dated 7.2.89 (Annexure A-4) has not given a proper speaking order and has not examined the contentions raised by the applicant in his appeal. On the other hand he stated that "I have warned the employee for bad time keeping on few occasions." According to Mr.Dave, the appellate authority has taken into account the conduct of the employee during the past period which was not a subject matter of the disciplinary proceedings. Hence, it is extraneous and should be rejected. The reviewing authority in its order dated 30.9.89 rejecting the review has stated that he also taken into account the past conduct of the employee before deciding the review which was also not correct. Mr.Dave also states that the punishment meted out to the applicant i.e. removal from service is too harsh and deserves reconsideration keeping in view that he is a low paid employee.

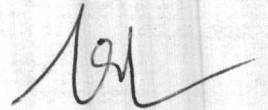
After hearing both the learned counsels, we are of the view that the matter requires reconsideration by the appellate authority keeping in view of the fact that the past conduct of the applicant was taken into account by the appellate and reviewing

authority which is not correct. We are also of the view that the punishment of removal from service meted out to the applicant is very harsh keeping in view the status of the applicant who is a Khalasi. The appellate authority shall therefore, review its order dated 7.2.1989 keeping in view the above observations after give an opportunity to the applicant for personal hearing on a date fixed by that authority after intimation to the counsel for the applicant and thereafter decide the matter within three months from the date of receipt of a copy of this order.

With the above order, O.A. stands disposed of.
No order as to costs.



(Laxman Jha)
Member (J)



(V. Radhakrishnan)
Member (A)

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