

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
Removal

O.A. No.
~~XXXXXX~~

105 of 1993.

DATE OF DECISION 27th April, 1993.

Shri Kartar Singh Petitioner

Shri P.K.Handa Advocate for the Petitioner(s)

Versus

Union of India and ors. Respondent

Shri A.S.Kothari 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

Kartar Singh,
Garden Khalasi (Removed)
Quarter No. 71 B,
Railway Staff College,
Baroda.

...Applicant.

(Advocate : Mr.P.K.Handa)

Versus

1. Union of India,
Owning & represented through
Secretary,
Ministry of Railways,
Railway Board,
New Delhi - 110 001.
2. Principal,
Railway Staff College,
Near Lal Baug,
Vadodara - 390 004.
3. Professor (Personnel Management),
Railway Staff College,
Near Lal Baug,
Baroda - 390 004,

...Respondents.

(Advocate : Mr.Anil S.Kothari)

ORAL JUDGMENT

O.A.NO. 105 OF 1993.

Dated : 27th April, 1993.

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

Heard Mr.P.K.Handa and Mr.A.S.Kothari learned
advocates for the applicant and the respondents.

2. The applicant, who has been held guilty of the
charge of unauthorised absence, has been awarded the
punishment of removal from service by the Disciplinary
Authority and that punishment is confirmed by the Appellate
Authority i.e., respondent no.2. The applicant is a
Class-IV servant and it is stated that he had completed about
29 years of service at the time of the passing of the order

of removal from service. We have been taken through relevant parts of the order of the Appellate Authority. It is true that the applicant had, in the past also, been held guilty of unauthorised absence. Even then, on taking an overall view of all the facts and circumstances of the case and bearing in mind the fact that the applicant belongs to Class-IV of the service and had put in 29 years of service and may be the only earning member ~~of~~ in his family, we feel, prima facie, that the punishment of removal from service is rather harsh as it might mean economic death for the applicant and his family members. It is pointed out to us by the learned advocates that Rule-25 of the Railway Servants (Discipline and Appeal) Rules-1968 invests the Railway Board with the power to revise an order like the impugned order of punishment. It is suggested that a copy of the application may be sent by the office to the Railway Board, Railway Bhavan, New Delhi, and the said copy may be treated by the Railway Board as the applicant's representation for exercise of revisional powers by the Railway Board under Rule-25 of Railway Servants (Discipline and Appeal) Rules-1968. We direct the Railway Board to exercise its revisional powers under Rule-25 of the Railway Servants (Discipline and Appeal) Rules-1968, within three months from the date of the receipt of a copy of this order and a copy of the application as stated above. We hope that, bearing in mind the circumstances of the case, the Railway Board will take a lenient and liberal view in the matter of awarding punishment to the applicant so as to give him one

last chance for improvement in the matter of performance of his duties regularly and punctually. The interim relief against the eviction of the applicant from the Railway quarters will continue till the expiry of a period of 15 days from the date of communication of the Railway Board's order to the applicant. In view of these observations, Mr.P.K.Handa 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

CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

Application No. CA/105/93 of 19

Transfer Application No. _____ Old W.Pett No. _____

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 7/6/93

Countersigned :

Shahjahan/9/6/93

Section Officer/Court officer

Shahjahan

Signature of the Dealing Assistant

