

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/0005 of 2015
Cuttack, this the 22nd day of January, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R. C. MISRA, MEMBER (A)

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Gurubari Murmu,
Aged about 55 years,
Widow of Late Kandara Murmu,
Ex-Khalasi (H), Signal, E. Co. Rly., Bhadrak,
At present C/o, Chandrabhanu Khuntia
At-Birigadia, PO- Baral Pokhari,
Dist- Bhadrak-756101,Odisha.

.....Applicant

Advocate(s)... M/s. N.R. Routray, Smt. J. Pradhan, T.K. Choudhury.

VERSUS

Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R.Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
2. Chief Personnel Officer,
East Coast Railway, E.Co.R.Sadan,
Chandrasekharpur, Bhubaneswar,
Dist-Khurda.
3. Addl. Divisional Railway Manager-cum-Appellate Authority
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.
4. Sr. Divisional Signal & Telecom Engineer-cum-Disciplinary Authority,
East Coast Railway, Khurda Road Division,
At/PO- Jatni, Dist-Khurda.

..... Respondents

Advocate(s)..... Mr. T. Rath

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Alka

O R D E R (ORAL)A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. N.R.Routray, Learned Counsel for the Applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. Applicant is the widow of late Kandara Murmu. While the Applicant's husband was working as Khalasi (H), a major penalty charge sheet was issued by the DA & ASTE/JJKR on 02.12.2011 for his alleged un-authorized absence and after an ex-parte inquiry, on 11.07.2012 punishment of removal from service with immediate effect was passed against him. He died on 19.10.2012 leaving behind the applicant and other legal heirs. This O.A. has been filed by the widow under Section 19 of the Administrative Tribunals Act, 1985, challenging the ex-parte order of punishment of removal from Railway service with immediate effect. By drawing our attention to Annexure-A/12 issued on 02.12.2014, which was information supplied under RTI Act, 2005, it has been informed that "after examining the appeal by DRM/KUR, full case has been referred to CPO/BBS vide Sr. DPO/KUR's Confidential letter No. Sr. DPO/KUR/DAR/S&T/Suo-moto Review/KM dt. 17.11.2014 for conducting Suo-moto revision under rule 25(5) of RS (D&A) Rules, 1968 by GM/EcoRly/BBS".

3. When the matter came up for admission on 13.01.2015 before this Bench, we wanted to know regarding steps being taken by the CPO, Bhubaneswar for suo moto review as per Rule 25(5) of RS (D&A) Rules, 1968. On the prayer made by Mr. T. Rath, some time was granted to him to obtain instruction. Today, by filing a memo, Mr. Rath has brought to our notice that the DR case file under

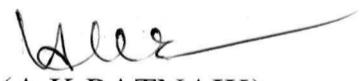


Sr. DPO/KUR's letter dated 17.11.2014 for conducting suo-moto revision by the GM was received in the office of the CPO on 21.11.2014. While examining, some discrepancies were noticed and hence the said file was returned to Sr. DPO/KUR vide letter dated 30.12.2014 for necessary compliance and resubmission along with vetted copy of qualifying and non-qualifying services of the ex-employee for further processing of the case. Mr. Rath submitted that it will take about four months time to finish the entire exercise.

4. In view of the submissions made by the Ld. Counsel for both the sides, without entering into the merit of this matter, we dispose of this O.A. at this admission stage with direction to all the Respondents to finish the entire exercise, as submitted above, within a period of four months from the date of receipt of a copy of this order and Respondent No. 1 may ^{issue} ~~have~~ the final order in ~~the~~ respect within the time so stipulated by us.

5. As prayed for by Mr. Routray, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to all the Respondents by Speed Post at the cost of the applicant, for which he undertakes to furnish the postal requisites by 28.01.2015.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)