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CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR

ORIGINAL APPLICATION NO. 93/2009

(Bhanwar Lal Purohit vs. Union of India & Ors.)

Date of Order: 21.04.2009

Learned counsel Messrs Sandeep Saxena and Mr. Ankur, for applicant, have been heard and the records available on hand have also been perused.

2. Learned counsel for the applicant submitted THAT: In spite of the fact that the passenger who bought the ticket through the applicant from the Railways has been convinced of passenger's wrong, unfortunately the respondent No. 4 has taken action against the applicant by issuing to him charge sheet dated 31.07.2006 at page 12 as Annexure A/3. Not only that, the very same 4<sup>th</sup> Respondent has also passed punishment order dated 03.11.2006 at page 10 as Annexure A/1. Against the said punishment order, the applicant has also filed an appeal by Annexure A/5 dated 29.12.2006 at page 16, before the appellate authority. Subsequent to the appeal, the 4<sup>th</sup> Respondent seems to have been promoted as the appellate authority and sitting in such position the very same 4<sup>th</sup> Respondent herein has decided the appeal of the applicant as an appellate authority, on 06.03.2007 filed as Annexure A/2 at page 11, without minding himself that he was the same person who has issued the charge-sheet as well as the punishment order.

*ldr*

3. All these, according to the applicant, are not only against the principles of natural justice but also clearly demonstrates and establishes the mala fide of the 4<sup>th</sup> Respondent unjustly against the applicant. To establish such proposition, it would be further more clear from the very fact that the very same 4<sup>th</sup> Respondent has not yet decided the revision petition filed before such appellate authority by the applicant on 08.05.2007 filed at page 17 as Annexure A/6, which remains un-disposed of for the past about two years until this date. He also further highlights even order impugned at page 10 as Annexure A/1 more particularly at page 11 Annexure A/2 that being the appellate order passed by the same 4<sup>th</sup> Respondent is a non-speaking order which is in utter violation of principle of natural justice. He also replied the queries of the Bench that as clearly mentioned in the O.A. all the proceedings taken by him before the appellate authority as well as the revisional authority, who are one and the same, as well as before this Bench of the Tribunal are not barred by limitation. Thus, he insists upon not only for admission of this O.A. and issuance of notice to the respondents but also for the interim relief prayed under paragraph 8 of the O.A., during the pendency of this O.A., to stay the operation of punishment order dated 03.11.2006 (Annexure A/1 at page 10) issued by the same 4<sup>th</sup> Respondent, who has also issued not only the charge sheet dated 31.07.2006 (Annexure A/3 at page 12) and also functioned as the appellate authority and further passing a non-speaking order dated 06.03.2007 (Annexure A/2 at page 11) against which and before himself a revision petition dated 08.05.2007 (Annexure A/6 at page 17) is also pending.

Adv.

4. After hearing the learned counsel for the applicant and going through the various Annexures highlighted by him and satisfactorily translated by him orally in regard to the Hindi documents filed, as English translation has not been filed under clause (b) of the second proviso to sub-rule (1) of Rule 3 of the Central Administrative Tribunal (Procedure) Rules, 1987, I deem it just, fit and proper not only to admit this O.A., subject to just and valid exceptions, but also grant interim relief as prayed for at page 8 under paragraph 8 under the heading 'Interim relief' by presently staying the operation of the punishment order dated 03.11.2006 (Annexure A/1) for a period of fourteen days and to list the matter before the Bench on 04.05.2009.

5. Consequently, issue notice to the respondents which may be handed over by 'Dasti' today to the learned counsel for the applicant who is present before me for effectively and as expeditiously as possible serving it on the respondents.

Ordered accordingly.

  
(N.R. RAGHAVAN)  
VICE CHAIRMAN

Recd. 23/3/61  
SAC 20/11  
SAC 20/11  
20/11/61

Class Notice along with  
copy of order of Retdiam  
issue R-1204 vide No 795  
the 798  
Dt 27-11-61

No Indemnity regarding  
service of class  
notice

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30/11