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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O. A. No. 112/Jodhpur/2010

Date of decision:03.08.2012

CORAM :

HON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER
HON'BLE MR. B.K.SINHA, ADMINISTRATIVE MEMBER.

Mool Chand S/o Shri Jumar Mal by caste Soni Resident of T-209, aged 40 years, Railway Awas Colony, Jodhpur, Helper Khalasi, S.S. Eng., North Western Railway, Jodhpur.

: Applicant

[By Mr. R.R.Vyas, Advocate]

Versus

1. Union of India through General Manager, North Western Railway, Jaipur.
2. The Divisional Railway Manager, Western Railway, Jodhpur.
3. The Additional Divisional Railway Manager, North Western Railway, Jodhpur.

....Respondents

[By Mr.Govind Suthar proxy for Mr. Manoj Bhandari, Advocate]

ORDER
[PER HON'BLE MR. G. SHANTHAPPA,JUDICIAL MEMBER]

This application is filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the relief of direction to the respondents to decide his representation at Annex.A/5 dated 23.04.2008 and quash the penalty imposed by the respondent No. 3 at Annex.A/1 order imposing any other minor penalty.'

2. We have heard the learned counsel for the respective parties. The learned counsel for the applicant submits that the applicant has submitted his Revision Petition to the A.D.R.M., Jodhpur, the 3rd respondent in the O.A., challenging the order passed by the appellate authority. Since the revision petition was pending before the authority he has filed the present OA. The relief in the O.A. is only for a direction to decide the review petition.

3. The learned counsel for the respondents submits that there is delay in filing the review petition, hence, it is not maintainable. He opposed the O.A. on the ground that such relief cannot be entertained in the present O.A.

4. We have considered the submissions of the learned counsel for the either side. The review authority has powers to decide the review petition by exercising the powers under Railway Servants (Discipline & Appeal), Rules. While review petition is pending consideration before the 3rd respondent, when he has not decided the review petition without going to the merits of the case, we are of the considered view, as requested by the applicant in the OA, a direction may be given to the revisional authority. Accordingly, we direct the revisional authority i.e. the 3rd respondent, to decide the review petition in accordance with rules and powers vested under Railway Servants (Discipline & Appeal), Rules within a period of three months from the date of receipt of a copy of this order. If the 3rd respondent is not the reviewing authority, he is directed to transfer the review petition to the competent authority.

5. With the above observations, the O.A. is disposed of with no order as to costs.

(B.K.Sinha)
Administrative Member

(G.Shanthappa)
Judicial Member

jrm

R/c
Sangram Singh
11/10/12

Received copy of order.
R.R.V.