

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

C.A. No. 308 of 1996.

Thursday this the 11th September 1997.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

K. Chandrasekharan, Aged 62,
Koolangat House, Thiruvaliad Post,
Ayalur (Via), Palakkad District.
(Ex-Relieving Station Master,
Southern Railway, Trichur.

.. Applicant

(By Advocate Shri P.V. Mohanan)

Vs.

1. Union of India represented by
Secretary, Ministry of Railways,
Government of India, Rail Bhavan,
New Delhi.

2.. The Chairman, Railway Board,
New Delhi.

3. The General Manager, Southern
Railway, Madras.

.. Respondents

(By Advocate Smt. Sumathi Dandapani)

The application having been heard on 11th September 1997, the Tribunal on the same day delivered the following:

O R D E R

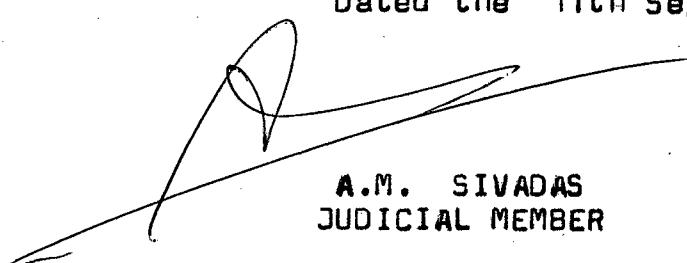
HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who was working as an Assistant Station Master was proceeded against in departmental proceedings and awarded a penalty of removal from service. After several proceedings in different fora a final stage was reached by the applicant sending a Review Petition to the President of India under Rule 25(A) of the Railway Servants (Disciplinary and Appeal) Rules 1968. This Review Petition was considered by the Government and the result was communicated by A-12 dated 2.7.92. We find that A-12 is only a letter to the

applicant which states that the Review Petition dated 31.12.90 of the applicant has been considered by the President who has decided not to modify the penalty of removal imposed on the applicant. A-12 does not partake of the nature of an order. Applicant, however, has produced A-15 and seeks that A-15 be quashed. But, A-15 is only an extract of the Note File in the office of the Railway Board. The extract of the Note File shows that a decision has been taken in the Review Petition submitted by the applicant at the level of the Minister of State for Railways on 9.6.92 and the decision was to the effect that the petition be rejected. However, this being an extract from the Note File, which is a confidential document, it does not constitute an order disposing of the Review Petition of the applicant. As such, A-15 cannot be challenged. It is for the 1st respondent to issue an order based on the decision taken as seen in A-15 on the Review Petition and communicate it to the applicant in the proper form considering the various contentions raised by the applicant and setting out the reasons for the conclusion arrived at.

2. Under these circumstances, we dispose of this application with a direction to 1st respondent to issue orders on the Review Petition submitted by the applicant on 31.12.90 under Rule 25(A) of the Railway Servants (Disciplinary & Appeal) Rules, 1968 and communicate it to the applicant. This shall be done within four months of today. No costs.

Dated the 11th September 1997.


A.M. SIVADAS
JUDICIAL MEMBER


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

LIST OF ANNEXURE

1. Annexure A-12: True copy of the proceedings No.P(A) 94/0/45.Pilot dated 2.7.1992 issued by the Assistant Personnel Officer, Southern Railway, Madras.
2. Annexure A-15: True copy of the proceedings issued by the Railway and produced in O.A. No.801/95 dt. 3.6.92 and 12.6.92.

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