

15 17

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

REVIEW PETITION NO. 466/90(L)

IN

T.A.No.1955/87

Jitendra Nath Srivastava Petitioner

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice K. Nath, V.C.
Hon'ble Mr. K. Obayya, Member(A)

(By Hon'ble Mr. K. Obayya, A.M.)

H.O.

This review application is directed against the order and judgment dated 6.7.90 in T.A.No. 1955/87 Jitendra Nath Srivastava Versus Union of India & Others.

2. The applicant in the above case was proceeded with departmentally for negligence in duties resulting in an accident at Jherakpur wherein there was a collusion between DN Passenger Train and the stable load UP Aishbagh Special (Goods Train) at Sitapur on 4.2.1982. As a result of this proceeding punishment of reduction to a lower post from that of Assistant Station Master to Traffic Signaller was imposed. He preferred appeal that appeal was rejected. He filed writ petition 5563/1985 in the High Court, Allahabad Lucknow Bench, which stood transferred to this Tribunal. The orders of disciplinary authority and Appellate authority were challenged on the ground that enquiry was not held properly, opportunity was not given to the applicant and that

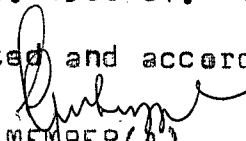
(16) (A3)

the disciplinary authority has not appreciated the defence version, and though on the similar charge he was acquitted in the Criminal case, that was not considered by the appellate authority.

3. We considered the contentions raised on behalf of the applicant and found that they were without any basis and dismissed the petition.

4. In this review application it is pointed out that we have not taken into consideration the fact that the applicant was acquitted in a criminal case for the same charge and that the legal position cited by the applicant was also not considered by us. We have examined our order and also carefully considered the averments raised in this review application. In paras 7,8,9,10,11 and 12 we have very comprehensively discussed the facts and legal issues raised on behalf of the applicant and held that no illegality or irregularity is established in the disciplinary proceedings. In this case the punishment was imposed earlier and the decision in the criminal case followed later, we held that the decision in the criminal case will not invalidate the decision already taken in the departmental proceedings.

5. The scope of review of an order and judgment is limited to ^{correction of} patent errors of fact or law, which are apparent on the face of it. We do not see any error of fact or law in the order and judgment dated 6.7.1990 in T.A.No. 1955/87. The review application is liable to be rejected and accordingly it is rejected.


MEMBER(A)


VICE CHAIRMAN

DATED: 30/9/96