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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLABAD

LUCKNOW CIRCUIT BENCH

Review Appln. No.698 of 1990 (L)

In

Registration O.A. No.135 of 1990(L)

Union of India & Others Applicants-Respondents

Versus

Pratap Respondent-Applicant

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. M.M. Singh, Member(A)

(By Hon. Mr. Justice K. Nath, V.C.)

This application under Rule 17 of the Central Administrative Tribunals (Procedure) Rules, 1987 is for review of our judgement dated 13.9.90 in the O.A. described above whereby we had quashed an order dated 17.9.89, Annexure-A1 of removal of the respondent Pratap from service with direction that he would be deemed to have continued in service, would be paid back wages as admissible under the Rules but the applicants-respondents would be free to institute a fresh enquiry against the employee under the applicable provisions.

2. That was a case where the employee was said to have been found medically unfit and he managed to continue to remain in service and thereafter a disciplinary enquiry was held after which the termination order was passed. We had considered and dealt with all the points raised by the contending parties on the controversies involved and passed the judgement. It is stated in this

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review application that the Bench failed to consider the provisions of para 14 of the Railway Establishment Manual quoted in the review application. The quotation says that ^{where} the termination of service is due to "some other cause", the employee shall be entitled to one month's notice provided he was engaged on contract for a definite period and the contract does not provide for any other period of notice, and to a notice of 14 days if he was not engaged on contract. It is further mentioned that no notice is necessary where a person absents beyond maximum permissible extra ordinary leave. We find that there is absolutely no mention of paragraph 14 of the Railway Establishment Manual in the Written Statement filed in the Original Application.

3. We have carefully gone through the record of the original application, the judgement sought to be reviewed and the contents of this review application but we are unable to find anything substantial in the review application which may call for a reconsideration of the judgement under review. Ground 4 in the review application is quite strange because it mentions that "the order of removal not being in the nature of penalty did not deserve to be set aside". We had pointed out in the judgement that the impugned termination order was an order passed under the Railway Servants (Discipline & Appeal) Rules, 1968.

4. The Review Application is dismissed.

H. M. Siva,
Member (A)

of
Vice Chairman

Dated the 15th July, 1991.

RKM