

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH: PATNA

Registration No. OA-440 of 1996

(Date of order 30.9.1996)

Surendra Singh Applicant

Versus

The Union of India & Others . . . Respondents

Coram: Hon'ble Mr. Justice V.N. Mehrotra, Vice-Chairman
Hon'ble Mr. K. D. Saha, Member (Administrative)

Counsel for the applicant . . . Mr. M.M.P. Sinha

Counsel for the respondents . . . None

O R D E R

Hon'ble Mr. Justice V.N. Mehrotra, v.C:

This original application has been filed with the prayer that the impugned order dated 11.6.1996 passed by DRM, Eastern Railway, Dhanbad be quashed and the disciplinary proceedings be declared as illegal and ultravires.

2. We have heard the learned counsel for the applicant. The allegations made by the applicant and the papers annexed to the application indicate that a disciplinary proceedings were taken against the applicant who was previously working as Gangman with the Eastern Railway. It was alleged that he had not joined duty at

the place to which he was transferred leading to the initiation of disciplinary proceedings. Ultimately, the applicant was removed from service by order dated 5th June, 1984. He filed appeal against the said order but the same was also dismissed. Later on, he filed OA-332 of 1988 before this Bench challenging the order of removal on various grounds. This application was heard by this Bench which was dismissed on merits on 16.8.1989. On the averments made in the present application, it appears that after the expiry of nearly five years, the applicant filed an application on 20.7.1994 purporting to be a revision petition addressed to the DRM, Eastern Railway. Later on, he moved another application on 20.2.1995. The DRM rejected this application observing that since Hon'ble CAT/Patna has already gone into the case of the petitioner and dismissed the application for want of merit, no further consideration of the case is possible.

3. It has been argued on behalf of the applicant that the DRM has not considered the points raised by the applicant in the revision in which the validity of the disciplinary proceedings had been challenged and also certain new facts had been alleged by the applicant. It is thus argued that the order of the DRM was liable to be quashed and the disciplinary proceedings were also liable to be quashed for the reasons mentioned in the

application. We have considered the material placed before us and the arguments by the learned counsel for the applicant. We feel that the present application is an ingenious method to overcome the hurdles which are in the way of the applicant in seeking the quashing of the order which removed him from service. As mentioned earlier, after the punishment was imposed on the applicant and the appeal filed by him against the same had been dismissed, he came to this Bench for seeking redressal of his grievances. The application for this purpose moved by him (OA No.332 of 1988) was dismissed on merits on 16.8.1989. After five years of this dismissal, the applicant, probably on some advice, adopted a peculiar mode to overcome the binding effect of the order of this Bench by moving an application termed as "revision application." Obviously such an application was not even maintainable and there could not be any question to revise the order of punishment after the matter had been finally disposed of by this Bench. The authority concerned was clearly right in rejecting the so-called revision application. We are, in the circumstances, unable to agree with the arguments by the learned counsel for the applicant asserting that the order by the DRM and also the disciplinary proceedings were illegal and invalid. In our view, the present application is not maintainable and is rejected as such.

30.9.96
(K.D.SAHA)
MEMBER (A)

V.N.MEHROTRA
VICE-CHAIRMAN