

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

(13)

O.A. No. 791

1987

T.A. No.

DATE OF DECISION 18.11.91

H.P. Chauhan

Petitioner

Mr. P. Rajan Pillai

Advocate for the Petitioner(s)

Versus

D.R.M., S.E.RLY. & OTHERS

Respondent

Mr. V.G. Raje

Advocate for the Respondent(s)

AM BY HON'BLE MR. JUSTICE U.C. SRIVASTAVA, VICE CHAIRMAN.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. M.Y. Priolker, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *n*
2. To be referred to the Reporter or not ? *n*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *n*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *n*

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(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

Registration O.A.No. 791 of 1987

Haridas Pandurang Chauhan Applicant

Vs.

Divisional Railway Manager,
S.E.Rly. & others Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. M.Y. Priolker, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant joined the services in South Eastern Railway in the year 1963 as a Gangman, and later on he was appointed as a Gate-Keeper after serving as Gangman for the period of 7 years. The applicant was punished vide an order dated 14.12.84 and one increment with cumulative effect was stopped. The applicant had challenged the said order. The applicant was transferred from the post of Gate-Keeper as a Gangman and he was chargesheeted vide order dated 5.2.83. An enquiry proceeded and Enquiry Officer submitted his report to the Authority against the applicant and the applicant was removed from service. The applicant filed an appeal against the removal order, The appeal was allowed to the extent that the removal order was set aside, but the applicant was allowed to join the duty as Gangman with continuity in service.

2. The applicant challenged both the punishment order on variety of grounds including that these two enquiries were legally defective. He also challenged on the ground that the Enquiry Officer's report was not supplied to him, and he was thus deprived of reasonable

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opportunity to defend himself, which vitiates the enquiry.

3. Learned counsel took time to consult his client, and today learned counsel states that although this application can be allowed on the ground that the applicant did not get reasonable opportunity to defend himself. But the applicant is prepared to adjust himself with the appellate order and that the expectation is believed, as he has been given to understand that in due course he will be given promotion not in the channel of Gangman or in the same channel and as such he is prepared to accept the appellate order.

4. In view of this statement with a direction that the applicant shall be treated to be continued in service as Gangman and entitled to all the benefits during the period he was out service in accordance with law, accordingly this application is disposed of. No order as to costs.


Member (A)


Vice-Chairman

18th November, 1991, Circuit Bench Nagpur.

(sph)