

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

O.A. No. 86/87

Mr. A.K. Gurnani  
Ex. Assistant Reservation Supervisor  
Western Railway  
Bombay Division  
Bombay (Central)

Applicant

v/s.

1. The General Manager  
Western Railway  
Bombay
2. The Chief Commercial Superintendent  
Western Railway, Bombay
3. The Divisional Railway Manager  
Western Railway, Bombay (Central)
4. Senior Divisional Commercial  
Superintendent, Western Railway,  
Bombay Central

Respondents

Coram: Hon'ble Member(A) J G Rajadhyaksha  
Hon'ble Member(J) M B Mujumdar

Appearance

1. The applicant  
in person
2. Mr. A.L. Kasture  
Advocate  
for the Respondents

ORAL JUDGMENT

DATED: 18.3.1987

(PER: M.B. Mujumdar, Member(J) )

Heard the applicant in person and Mr. Kasture, the learned advocate for the Respondents who has appeared after waiving notice on the point of admission.

2. The applicant was working as Assistant Reservation Supervisor at Bombay Central. After holding a Departmental Inquiry he was dismissed from service on the charge of unauthorised booking of foreign passengers. The applicant had preferred a Departmental appeal against that order but

that was rejected on 9.8.84. The applicant had also challenged the order by filing writ petition no. 1936/1984 in the High Court of Judicature at Bombay. But it was dismissed. The applicant filed appeal 99/1984 against that order in the High Court but that was also dismissed on 29.10.1984. Though the order of the High Court passed in writ petition no. 1936/1984 is not before us the applicant has produced a copy of the order passed by the High Court in appeal and it reads as follows:

"PC: Annexures I to IV to the charge sheet served on the Petitioner are not annexed to the Petition. The Petitioner did not even reply to the charge-sheet. We have gone through the limited material made available to us in the compilation and cannot say that the learned Single Judge was in any error in rejecting the Writ Petition in limine.

Hence the appeal will stand dismissed."

3. Now the applicant has challenged the order of dismissal passed on 21.6.84 by filing the present application under section 19 of the Administrative Tribunals Act, 1985, on 28.1.1987.

4. We have heard the applicant in person and perused all the documents produced with the application. Though the Writ Petition filed by the applicant is dismissed in limine, the applicant had preferred an appeal against that order. As already pointed out, that appeal was also dismissed after hearing the applicant's advocate. The order passed by the High Court in appeal clearly shows that the High Court had gone through the material on record and come to the conclusion that the order passed by the Single Bench in rejecting the writ petition was appropriate.

5. We have independently gone through the papers attached to the application before us and we find no reason to differ from the view taken by the High Court.

6. We, therefore, reject the present application summarily under section 19(3) of the Administrative Tribunals Act, 1985.

( J G Rajadhyaksha )  
Member (A)

( M B Mujumdar )  
Member (J)