

(10)

CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW BOMBAY BENCH~~  
NEW BOMBAY BENCH

O.A. No. 30/88  
~~XXXXXX~~

198

DATE OF DECISION 21.6.1989

Shri A.G.Wasnik Petitioner

\_\_\_\_\_  
Advocate for the Petitioner(s)

Versus

Union of India and others. Respondent<sup>s</sup>

\_\_\_\_\_  
Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.B.Mujumdar, Member (J)

The Hon'ble Mr. P.S.Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

*Ph*

*h*

(11)  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.No. 30/88

Shri A.G.Wasnik,  
W.P.M. Gr.I,  
C.T.I. Micro Wave Office,  
C.Rly., Wardha.

... Applicant

V/s.

Union of India  
through The General Manager,  
Central Railway,  
Bombay V.T.

AND OTHERS.

... Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar  
Hon'ble Member (A) Shri P.S.Chaudhuri

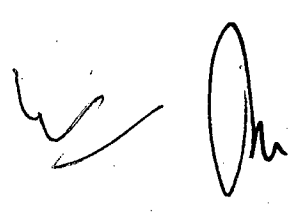
ORAL JUDGMENT

Dated: 21.6.1989

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

The applicant was working as a Wireless Telecom Mechanic (WTM), at Wardha. By order dated 7.2.1985 he was transferred from Wardha to Bhaupeth on promotion as Telecom Inspector Gr.III on ad hoc basis. The applicant did not join the new post at Bahupeth but he continued making representations. A charge-sheet dated 23.9.1985 was served on him for remaining absent from duty unauthorisedly. The applicant replied to the charge-sheet but did not take part in the inquiry and hence ex-parte inquiry was held. By order dated 11.3.1986 the penalty of reduction to the lowest stage in the same time scale of pay was imposed upon the applicant. He appealed against that order but the appeal was rejected on 9.6.1986. The applicant has filed the present application on 29.12.1987 challenging the order of penalty dated 11.3.1986 as well as the order of the Appellate Authority dated 9.6.1986.

.. 2/-




2. It appears that the General Manager suo-moto reviewed the order and came to the conclusion that correct procedure was not followed while holding the departmental inquiry. Hence, by the order dated 14.9.1988, he set aside the order of penalty and remitted the case back to the Disciplinary Authority for de-novo action from the stage of issue of fresh charge-sheet.

3. The applicant has filed M.P.No. 212/89 for amending the application to cover challenging the order of the General Manager dated 14.9.1988 also.

4. But while hearing the Misc.Petition, we found that the purpose of the application is already served. The impugned order of penalty is set aside by the General Manager by order dated 14.9.1988 and the order of the Appellate Authority is also set aside. The case is remitted to the Disciplinary Authority for de-novo action from the stage of issue of fresh charge-sheet. Even if we had allowed the application, we would have granted liberty to hold a fresh inquiry. Hence, we find that the application now does not survive.

5. In the result, we pass the following order :- The application is disposed of in view of the order passed by the General Manager on 14.9.1988. The applicant will be at liberty to approach this Tribunal by way of filing a fresh application after exhausting departmental remedies if the result of the fresh departmental inquiry also goes against him. There will be no order as to costs. M.P.No. 212/89 is disposed of.

  
(P.S. Chaudhuri)  
Member (A)

  
(M.B. Mujumdar)  
Member (J)