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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL MUMBAI

REVIEW PETITION NO. /2000.

RP NO 41/2000

IN

ORIGINAL APPLICATION NO. 1138/94

Shri R.T. Pardeshi	)	<u>Petitioner</u>
Ex. Canteen Bearer	)	Applicant
Bhusawal.		

V/s

UOI /General Manager, Central	)	Respondants.
Railway, Mumbai.	)	
Chief Works Manager (Electric	)	
Loco Workshop, Central Railway,	)	
Bhusawal.	)	

Review Petition

1. The Petitioner / Applicant above named being aggrieved by the Judgement and order delivered on 19.6.2000 beg to submit and pray as under -
2. That I had filed the OA against the orders of my removal from service on the incomplete DAR Enquiry proceedings, without giving me the proper opportunity to cross examine the only P/witnesses Shri S.H. Moghe. <sup>Head</sup> this witness was cross examined, the blame and allegations against me for producing the false certificate could have been completely washed out, as Shri S.A. Moghe played the entire roll for procuring and producing the said false certificate.
3. That in fact no such certificate was necessary and required to be procured for my Appointment on the compassionate grounds to the Post of Canteen Bearer in the ELW Staff Canteen nor any Education Qualification was required to be fulfilled for the lowest Menial Class IV post in the Canteen attending and required to perform the duties of washing <sup>cleaning</sup> ~~glass~~ utensils etc. including serving

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of small Snacks and Tea to the Railway Staff in the Electrical Loco Workshop, particularly for the appointments to be made on compassionate grounds in order to give a relief to his depending family after the death in harness.

- 4. That the Applicant had not committed any fraud in respect of the alleged certificate as the same was procured by the PW-1 Shri Moghe by extracting money from <sup>4</sup> candidate for which a Vigilance inquiry was initiated by the Sr. Dy. General Manager (Vigilance) /General Manager Vigilance Branch, Mumbai vide No.92/G-130/Vig./DA-451/PV/Con dt. 3.12.92, all the papers relating to the same filed in the CAT on 8.10.99 as being concerned and connected with this matter but no cognizance seems to have been taken while passing the orders on 19.6.2000.
- 5. That main ~~stress~~ <sup>stress</sup> was given on the point that the prosecution did not rely on the Evidence of P.W. Shri S.H. Moghe while concluding the findings in that case alleged false certificate and complaint lodged by Shri Moghe should not have been relied upon. The DAR enquiry has been challenged as vitiated on the very aspects of conducting/finalising the same without giving due opportunity to me to cross examine for bringing the factual aspects of truth relating to the alleged fraud, committed by P/W. Shri S.H. Moghe procured, produced and complained about the same.
- 6. That the procurement of such certificate was not necessary for Class IV mental job nor any educational qualification or age limit was compulsory or rigid for the appointment on compassionate grounds mainly for giving relief to the dependents/members of the family of deceased Railway Employee after death in Harness.
- 7. That the Appointment of the Applicant being to the post of Canteen Bearer required no educational qualifications therefore calling such certificate was un-warranted and super-fluous and the termination /removal from service on that grounds of the guilt taken proved without giving due and lawful opportunity is not only ultravires the

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provisions of natural justice and equity, but contrary to the directives and the Supreme Court Judgements on the points.

8. That in view of the above factual position, causing errors apparent on the face virtually <sup>lost sight</sup> for the considerations ~~while~~ <sup>while</sup> of this Hon'ble Tribunal, disposing this matter and hence the matter be reviewed accordingly in view on errors apparent on the face of the records, the aforesaid <sup>new</sup> material facts since discovered as <sup>have</sup> not been considered in the interest of Justice.

Prayers - it is therefore most humbly and respectfully prayed that :-

1. The impugned orders of removal from service dt. 30.12.93 issued by the Respondents be set aside since issued without giving the proper opportunity and ~~re~~instate the Applicant in service.
2. To complete the inquiry as per statutory provisions giving due opportunity to defend his case for his entitlement in service on compassionate ground.
3. Any other relief the Hon'ble Tribunal deems fit.

Bhusawal  
Date: -7-2000.

X *रामचंद्र तुलजाम*  
(R.T. Pardeshi)  
Petitioner/Applicant.

Verification

I, Ramchandra Tuljaram Pardeshi, Petitioner hereinabove, do hereby solemnly affirm and state that the contents of the above Review Petition are true and correct to the best of my knowledge and belief. Hence verified and signed on this day of July, 2000.

Bombay  
Date: -7-2000.

X *रामचंद्र तुलजाम*  
(R.T. Pardeshi)  
Petitioner/Applicant

*N. R. Padate*  
**N. R. PADATE, B.A.L.L.B.**  
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