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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.A.No. 36/97
in
O.A.No. 1179/93

Date of Order : 6.3.98

BETWEEN :

B.Suryanarayana Murthy

.. Applicant.

AND

1. Senior Divisional Mechanical Engineer,
S.C.Rly., Vijayawada.

2. Divisional Railway Manager,
S.C.Rly., Vijayawada.

3. Chief Mechanical Engineer,
S.C.Rly., Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.G.V.Subba Rao

Counsel for the Respondents

.. Mr.C.V.Malla Reddy

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

- - -
ORDER

X As per Hon'ble Shri B.S. Jai Parameshwar, Member (Judl.) X

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Heard Mr.G.V.Subba Rao, learned counsel for the applicant and Mr.C.V.Malla Reddy, learned standing counsel for the respondents.

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2. The applicant in the OA has filed this RA to review the order dated 3.1.97.

3. In the said OA the applicant had challenged the order of his dismissal on the ground of his unauthorised absence proved in a disciplinary proceeding held against him. In the disciplinary proceedings the applicant though served with the memorandum of charges remained absent and the enquiry officer had no other alternative but to conclude the proceedings ex parte.

4. The respondents while filing the reply had produced the xerox copies of the postal acknowledgement to show that the applicant was in fact served with the memorandum of charges and also a notice of intimation sent by the enquiry officer fixing the enquiry ~~for~~ ^{on} a particular date. The applicant had not chosen to obey the notice.

5. While considering various grounds raised in the OA and relying upon the postal acknowledgements and other documents produced by the respondents we formed an opinion that the applicant deliberately remained away and the proceedings to conclude ex-parte and infact he had challenged the said order after a lapse of nearly 6 years and odd. Thus we ~~had~~ ^{found} no merits in the OA and we dismissed the same.

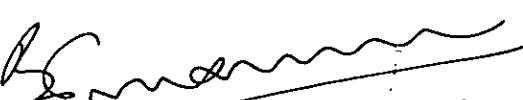
6. Now the applicant has filed this application on the ground that the documents produced by the respondents were forged and he had not signed those documents. The applicant also filed an MA for summoning the original documents.

7. Accordingly an employee of the railways by name Shri Md. Sharif came before this Tribunal on 6.3.98 with the original records. The applicant was also present. The respondents confronted the original postal acknowledgement under which the memorandum of charges and notice of enquiry were served on him.

It

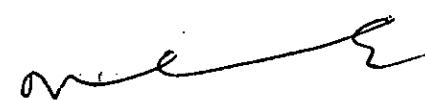
The applicant on perusing these documents ~~attempted~~ admitted to dispute his signatures on the postal acknowledgements. Further the learned counsel for the applicant persuaded us to obtain the specimen signature of the applicant and then to compare the admitted signature of the applicant with the signatures appearing in the said contention, for this Tribunal cannot take the role of a handwriting expert to compare the signatures of the applicant with those appearing on the postal acknowledgements. More over review application is of limited in nature. What the applicant has to maintain is that there is an error apparent on record or that he was not able to produce some fresh material which inspite of his sincere efforts could not do so. It is only under such circumstances alone review petition can be entertained.

9. From the material placed on record we took the decision properly and we are of the opinion that there are no merits in the RA. Hence the RA is, therefore, dismissed. No costs.


(B.S. JAI PARAMESHWAR)

Member (Judl.)

6.3.98


(R. RANGARAJAN)

Member (Admn.)

Dated : 6th March, 1998

(Dictated in Open Court)

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