

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

RA 53/94 : Date of order 6.12.88
(OA 236/88)

Union of India & Others : Applicants

V/s

Mani Ram : Respondent

Mr. S.S. Hasan : Counsel for the applicants

Mr. P.D. Khanna : Counsel for the respondent.

CORAM

Hon'ble Mr. Gopal Krishna, Member (Judicial)

Hon'ble Mr. O.P. Sharma, Member (Administrative)

PER HON'BLE MR. O.P. SHARMA, MEMBER (ADMINISTRATIVE)

The Union of India and other Government respondents have filed this Review Application, seeking review of the Tribunal's order dated 3.5.94 in OA no. 236/88, Maniram V/s Union of India & Others. In the order passed on 3.5.94, this Bench of the Tribunal had held that in the Railway Servants (Discipline & Appeal) Rules, there is no provision that an enquiry can be dispensed with on the charged official's admitting the charges framed against him. Since in this case, the enquiry was dispensed with on the ground that the Railway Servant had admitted the charges framed against him, the Tribunal had held that the finding of the Enquiry Officer and the subsequent orders of the Disciplinary Authority and the Revisionary Authority were bad in law and had accordingly quashed these. The Union of India and other Government respondents in this Review Application have stated that although there is no specific provision in the Rules to effect that enquiry can be dispensed with once the charged official had admitted the charges, yet there is a circular issued by the Railway Board stating that where the charged official has admitted the charges framed against him, the Enquiry Officer need not hold the enquiry and may return the verdict of guilty. The learned counsel for Union of India and other Government respondents has, therefore, pleaded that there is an error apparent on the face of record in so far as the order dated 3.5.94 is concerned.

2. We have heard the learned counsel for the parties and have considered the arguments put forward in the Review Application and those put forward by the learned counsel for Union of India and other Government respondents.

3. The issue regarding the provision for dispensing with the enquiry in the circumstances where the charged official admits the charges framed against him was discussed in great detail in paragraphs seven and eight of the order dated 3.5.94. The issue was considered on merits and the Tribunal came to the conclusion that while there is a specific provision in Rule 14(9) of the CCS(CCA) Rules that where the charged official admits the charges, the Enquiry Officer may dispense with the enquiry, there is no such provision in the Railway Servants (Discipline & Appeal) Rules. From the absence of such a provision and other reasons given in the order, the Tribunal came to the conclusion that the absence of such provision in the Railway Servants (Discipline & Appeal) Rules meant that the Enquiry Officer was not justified in dispensing with the enquiry on the ground that the charged official had admitted the charges framed against him. We are satisfied that the absence of such a provision means that the rule makers did not intend to provide that where the Railway Servant admitted the charges framed against him, the Enquiry Officer may dispense with the enquiry prescribed as per Rule 9 of the Railway Servants (Discipline & Appeal) Rules. We do not see any error apparent on the face of the record in the order dated 3.5.94. The Review Application is, therefore, dismissed, with no order as to costs.

(O.P. SHARMA)
MEMBER(A)

GK
(GOPAL KRISHNA)
MEMBER(J)