

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 198

of 1997

30.11.1999
DATE OF DECISION.....

Shri G.C. Dehingia

(PETITIONER(S))

Mr A.C. Buragohain, Mr D. Borah, Mr S.N. Chetia,

Mr P.K. Mushahari and Mr J. Handique

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr J.L. Sarkar, Railway Counsel

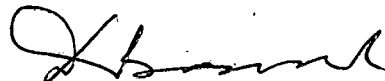
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of newspapers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.198 of 1997

Date of decision: This the 30th day of November 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Ganesh Chandra Dehingia,
Resident of Village- Pthalibam,
P.O. Pthalibam, P.S. Moran,
Dibrugarh, Assam.

.....Applicant

By Advocates Mr A.C. Buragohain,
Mr D. Borah, Mr S.N. Chetia,
Mr P.K. Mushahari and Mr J. Handique.

- versus -

1. The Senior Assistant Chief Cashier,
N.F. Railway, Maligaon, Guwahati.
 2. The Chief Cashier (J.A.),
N.F. Railway, Maligaon, Guwahati.
 3. The Financial Adviser and
Chief Accounts Officer,
N.F. Railway, Maligaon, Guwahati.
 4. The General Manager,
N.F. Railway, Maligaon, Guwahati.
 5. The Union of India, represented by the
General Manager,
N.F. Railway, Maligaon, Guwahati.Respondents
- By Advocate Mr J.L. Sarkar, Railway Counsel.

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O R D E R

BARUAH.J. (V.C.)

In this O.A. the applicant has challenged the Annexure A/15 order dated 11.9.1996 by which the applicant was dismissed from service, by the Disciplinary Authority and also the Annexure A 19 Appellate Order by which the dismissal order of the Disciplinary Authority was confirmed. The applicant also seeks certain directions to the respondents.



2. The grievance of the applicant is that during an enquiry he applied for certain documents from the authority, but those documents were not supplied to him. As a result, according to the applicant, he was prejudiced. However, this plea was not taken as a ground before the Appellate Authority. After the Annexure A/15 order of dismissal was issued, the applicant preferred an appeal which was dismissed. Thereafter, the applicant approached this Tribunal by filing O.A.No.26 of 1994. This Tribunal by order dated 29.8.1995 disposed of the said O.A. with direction to the respondents, namely the Disciplinary Authority, to reconsider the case of the applicant. Accordingly the respondents reconsidered the case and found the applicant guilty of charges and the order of dismissal was considered to be fit. Thereafter, the applicant filed an appeal before the Appellate Authority. However, in the memo of appeal the ground for non-supply of documents was not taken by the applicant. Only now, in this O.A. the applicant has raised the point.

3. We have heard Mr A.C. Buragohain, learned counsel for the applicant and Mr J.L. Sarkar, learned Railway Counsel.

4. Normally, this Tribunal will not consider the points which have not been taken before the Appellate Authority. However, for the ends of justice, we feel that the applicant may file yet another appeal raising this point before the the Appellate Authority within a period of one month from the date of receipt of this order. If such appeal is filed within the time prescribed we direct the Appellate Authority to consider the same after scrutiny of all the papers and pass a reasoned order as

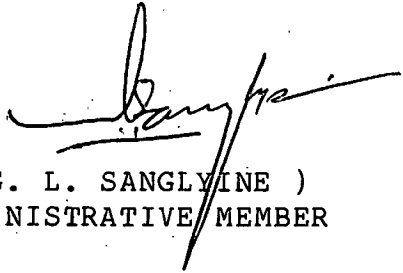


early.....

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early as possible, at any rate within a period of two months from the date of receipt of the appeal.

5. The application is accordingly disposed of. No order as to costs.



(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER



(D. N. BARUAH)
VICE-CHAIRMAN