CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 512 of 2003

Jabalpur, this the 16th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Kewal Krishna,
S/o Shri Banailal Punjabi,
aged about 49 years,
R/o House No.110/E-4,
Maharajpur Housing Board
Colony, P.S. Adhartal,
Jabalpur. APPLICANT

(By Advocate - Shri S.Paul)

VERSUS

1. Union of India, through
General Manager,
West Central Railway,
Near Indra Market,
Jabalpur.

2. Divisional Railway Manager,
West Central Railway,
Jabalpur Division, Jabalpur,
Jabalpur.

3. Sr. Divisional Mechanical Engineer,
West Central Railway,
Jabalpur.

4. Divisional Mechanical Engineer,
West Central Railway,
Jabalpur Division,
Jabalpur. RESPONDENTS

(By Advocate - Shri H.B.Shrivastava)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

The applicant has claimed the following main reliefs:-

"(ii) Set aside the punishment order dated 11/12-12-2001 Annexure A/1, appellate order dated 1-2-2002 Annexure A/2 & revisional order dated 17.3.2003 Annexure A/3;

(iii) Command the respondents to reinstate the applicant with full back wages and other consequential benefits."

2. The brief facts of the case are that the applicant was working as Black Smith with the respondents. A charge-sheet was issued against him and after finalisation of the D&E. proceedings, he was dismissed from service by the disciplinary authority vide order dated 11/13.12.2001. He preferred an appeal to the appellate authority and the appeal was rejected

vide order dated 1.2.2002(Annexure-A-2). Thereafter, he preferred a revision-petition to the revisional authority on 23.9.2002, the same was also rejected vide order dated 17.3.2003. The applicant has now submitted an appeal to review the decision of the revisional authority vide his letter dated 4.4.2003, which is still pending. The learned counsel for the applicant has submitted that the respondents may be directed to consider this review-application dated 4.4.2003 and take a decision within a time frame, and if the applicant still feels aggrieved he should be given liberty by the Tribunal to restore this OA by filing an MA.

3. The learned counsel for the respondents has opposed the aforesaid submission made by the learned counsel for the applicant. He has,however, submitted that since the applicant has not exhuasted all the remedies and the representation filed by the applicant on 4.4.2003 is still pending, this OA filed by the applicant is premature and the same should be dismissed on this ground alone.

4. We have given careful consideration to the arguments advanced on both the sides and we find that in the facts and circumstances of the case ends of justice would be met if we direct the respondent no.1&2 i.e. the General Manager,West Central Railway,Jabalpur to consider the representation of the applicant dated 4.4.2003 and take a decision by passing a speaking,reasoned and detailed order within a period of three months from the date of receipt of a copy of this order. Ordered accordingly. In case the applicant still feels aggrieved, he may file an MA to get the OA restored.

5. In the result, with the aforesaid directions, the O.A. is disposed of. No costs.

(A.K.Bhatnagar)
Judicial Member

(M.P.Singh)
Vice Chairman.

rkv.