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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR


ORDERS OF THE BENCH

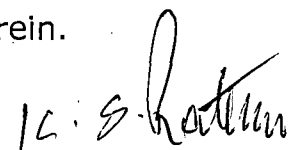
Date of Order: 09.11.2011

OA No. 240/2011

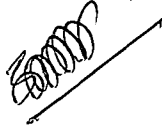
Mr. Nand Kishore, counsel for applicant.
Mr. Anupam Agarwal, counsel for respondents.

Heard. The O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.


(ANIL KUMAR)
MEMBER (A)


(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat



CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 240/2011

DATE OF ORDER: 09.11.2011

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Babu Lal Dholpuria S/o Shri Parsa Ram Dholpuria, aged about 46 years, working as Ex Law Assistant, D.R.M. Office Kota of West Central Railway Kota (Raj.); R/o 10/4 P.W.D. Colony, Vigyan Nagar, Kota.

...Applicant

Mr. Nand Kishore, counsel for applicant.

VERSUS

1. Union of India through General Manager, West Central Railway, Jabalpur.
2. Divisional Railway Manager, West Central Railway, Kota.
3. Senior Divisional Signal & Telecommunication Engineer (Co.) West Central Railway, DRM Office, Kota.
4. Divisional Signal & Telecommunication Engineer (Sig. Branch Line) West Central Railway, DRM Office, Kota.
5. Assistant Signal Telecommunication Engineer (Tele) West Central Railway, DRM Office, Kota.

...Respondents

Mr. Anupam Agarwal, counsel for respondents.

ORDER (ORAL)

The present Original Application is directed against the memorandum dated 10.05.2010 (Annex. A/1), penalty order dated 15.10.2010 (Annex. A/2) and appellate authority's order dated 25.02.2011 (Annex. A/3).

2. It is not disputed that the memorandum of article of charges dated 10.05.2010 has been served on the applicant and

after enquiry, the Disciplinary Authority has imposed the penalty vide order dated 15.10.2010, against which the applicant has preferred the appeal before the Appellate Authority and the same has been rejected vide order dated 25.02.2011, and the impugned orders passed by the disciplinary authority as well as by the appellate authority have been assailed by the applicant before the revisional authority by filing revision petition dated 14.03.2011 (Annex. A/9) and 26.04.2011 (Annex. A/10) and the same is still pending consideration before the revisional authority.

3. Upon asking that since the revision petition is pending consideration before the revisional authority, why the present Original Application has been preferred by the applicant, the learned counsel, Shri Nand Kishore, appearing for the applicant submits that since the revisional authority is sitting tight over the matter and not deciding the revision petition, therefore, the applicant has preferred the present Original Application.


4. Looking to the facts and circumstances of the case, in our considered view, we deem it proper that the ends of justice would be met if we direct the respondents / revisional authority to decide the said revision petition(s) filed by the applicant. Accordingly, the respondents / revisional authority is directed to consider and decide the revision petition dated 14.03.2011 (Annex. A/9) and 26.04.2011 (Annex. A/10) by passing a reasoned and speaking order expeditiously but in any case not




later than a period of three months from the date of receipt of a copy of this order.

5. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to file the substantive Original Application.

6. With these observations and directions, the present Original Application stands disposed of with no order as to costs.


(ANIL KUMAR)
MEMBER (A)


(JUSTICE K.S. RATHORE)
MEMBER (J)

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