

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.499/2016 with MA No.311/2016

This the 30th day of October, 2018

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member
Hon'ble Shri M.C.Verma, Judicial Member**

Shri Dilipbhai Ramanbhai Patel
DOB 01.6.1962, Age : 54 years
S/o. Shri Ramanbhai Dhanabhai Patel
Ex-Platform Porter, Bilimora R.S. 396 415.
Residing : Tankal (Rahent Kuva)
Taluka : Chikhali
District : Navsari 369 560. Applicant
(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
General Manager
Western Railway,
Churchgate, Mumbai 400 020.
2. Area Manager
Western Railway, Valsad 396 001.
3. Assistant Divisional Railway Manager (O)
Mumbai Central, Mumbai 400 001.

4. Station Supdt. W.Rly,
Bilimora R.S.
District : Valsad 396 415.. Respondents

O R D E R – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Today matter was listed for hearing for application, MA No.311/2016 preferred for condonation of delay. The present one is a case of dismissal from service of the applicant for alleged unauthorised absence from 15.9.1996 to 19.9.1997. The Disciplinary Authority passed the Order of punishment on 26.11.1997. Appeal preferred by the applicant was dismissed on 23.8.2001. Applicant preferred Revision Petition on 04.10.2005 and in Para 14 of the OA, it has been categorically pleaded by the applicant about filing of the Review Application. As per pleadings made in the OA, said Review Application is still pending.

2. It has been alleged in the OA that applicant repeatedly made representations to know about the status for outcome of his

Review Application but he was not given status or final decision of his application.

3. Reply of the respondents qua Review Application is silent and it leads nowhere. It is correct that in application for condonation of delay the main consideration is the delay and its explanation and though it appears that there is inadvertent delay on the part of the applicant but simultaneously this fact cannot be lost sight of that applicant though has pleaded that he filed Review Application before respondents and respondents rather to reply that specifically had adopted evasive approach and there appears to be non-action on the part of the respondents. This act is not praise worthy. Without going into findings on the merits of the OA, OA thus needs to be disposed off at this stage to give opportunity to the Respondents to consider Review Application of the applicant and to take appropriate decision on thereon.

4. Needless to say that in reply, respondents at page 120 of the OA submitted has taken a view that they are enable to ascertain whether such Review Application was made or not and though taking note of this undertaking, we already have as observed that reply leads nowhere but when we are directing to

the respondents to reconsider the Review Application, we also want to make it clear herein that respondents will trace Review Application in their record, and in case, they are unable to locate it, they may proceed on the basis of the copy of Review Application which is at Annexure A-16 of the present OA copy of which has already been supplied to the respondents. It would thus be no excuse on the part of the respondents that Review Application is not traceable.

5. The said Review Application be considered and it be decided expeditiously within a period of three months from receipt of this Order. The Revisional Authority while considering the Review Application should also consider seriously about quantum of punishment, in case he found the applicant guilty of charge of unauthorized absence.

6. With above observation and direction, OA stands disposed off. The MA, pending also stands disposed off.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

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