

**Central Administrative Tribunal  
Principal Bench**

**OA No.2563/2017  
MA No.2711/2017**

New Delhi, this the 2<sup>nd</sup> day of August, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Avinash Prasad aged about 50 years  
S/o Shri R.S. Srivastav  
Ex-Dy. Chief Engineer, Group 'A' IRSE-91  
JA Grade, Northern Railway, HQ Office  
Baroda House, New Delhi-110001.  
Resident of: US Post Box-64  
Hasbrouck Hts. New Jersey 07604-0064 USA  
At present at: D-703, C 28/25  
Jai Jagdambe Apartment  
Sector-62, NOIDA  
Distt. Ghaziabad U.P. 201301 ..Applicant

(By Advocate: Shri H.P. Chakravorti)

**Versus**

1. The Union of India through  
The Chairman, Railway Board  
Ex-Officio Principal Secretary  
To Govt. of India  
Ministry of Railways, Rail Bhawan  
New Delhi-110001.
2. The General Manager  
Northern Railway, Baroda House  
New Delhi-110001. ..Respondent

**ORDER (ORAL)**

**Justice Permod Kohli:**

The applicant has challenged the charge memo dated  
16.05.2005 as also the consequential penalty order dated

25.09.2009 in the present OA. Vide the penalty order, the applicant was dismissed from service for remaining absent from duty un-authorisedly. It is averred in the OA that the applicant had also applied for resignation. When he applied for resignation vide his representation dated 31.10.2009, he was informed vide letter dated 26.04.2010 to seek remedy under Section 25A of RS (D & A)Rules, 1968. As a consequence whereof, the applicant filed a review with additional grounds vide his letter dated 26.05.2010 which is still pending.

2. Admittedly, the OA is barred by time. One of the grounds urged for condonation of delay of 2290 days is the pendency of the review. Without going into the question of limitation and merits of the controversy, we deem it appropriate to direct the respondents to at least decide the review application of the applicant. This direction is without, in any manner, commenting upon the ground for condoning the delay and the respondents will be at liberty to raise the question of limitation as and when so required in any future litigation.

3. This OA is accordingly disposed of with the direction to the respondents to decide the review petition filed by the applicant by passing a reasoned and speaking order

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

**( K.N. Shrivastava)**  
**Member(A)**

**(Justice Permod Kohli)**  
**Chairman**

/vb/