

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION No. 699/2017.**

**Date of Decision: 17.11.2017.**

**CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)  
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)**

Nagindas G. Solanki,  
F/201, Sai Samruddhi Bldg.,  
Near Ganesh Temple,  
Tulinj – Nallasopara (E),  
Palghar – 401 209. ... *Applicant*  
*(Advocate by Shri R.P. Saxena)*

## Versus

1. Union of India,  
Through the General Manager,  
Western Railway, Churchgate,  
Mumbai 400 020.
2. The Chief Commercial Manager,  
(Revisionary Authority),  
Western Railway, Headquarters  
Office, Churchgate, Mumai 400 020. .... **Respondents**

## **ORDER** (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Shri R.P. Saxena, learned Advocate for the Applicant. We have carefully perused the case record.

2. The applicant was working as Chief Booking Clerk with the Respondents. He faced a disciplinary proceeding in which penalty of stoppage of increment is imposed. This order is maintained by the Appellate Authority. The applicant then Revision Petition dated 18.07.2016 (Annexure A-2) against the appellate order, with the Respondent No.2 with a specific prayer in

para no.6 to give him personal hearing. There was a delay of 31 days in filing the aforesaid Revision Petition. He prayed for condonation of delay also on medical grounds. The Revision Petition was however dismissed/not entertained vide impugned order dated 27.01.2017 on the ground that it has become time barred and cannot consider further.

3. In this OA, the applicant has sought the following reliefs;

*“8.1 The Hon'ble Tribunal may be pleased to hold and declare that the delay in submitting the Revision Petition dated 18.07.2016 is liable to be condoned in the interest of justice.*

*8.2 To quash and set aside impugned order dated 27.01.2017 and,*

*8.3 To direct the Respondent No.2 to consider the Revision Petition dated 18.07.2016, preferred by the applicant, after condoning the delay and pass a speaking and reasoned order thereon as per rules and after giving personal hearing to the applicant within a period of eight weeks from the date of receipt of a copy of the order.”*

4. After hearing learned Advocate for the applicant and on perusal of record, we are of the view that although the Revisional Authority has dismissed revision as barred by limitation, since no reasons appear to have been recorded nor personal hearing is given to the applicant as specifically prayed by him. OA can be allowed, with appropriate directions, without issuing any notice to respondents.

5. The impugned order dated 27.01.2017 is, therefore, quashed. However, Respondent No.2 is directed to consider and

pass a reasoned and speaking order on the Revision Petition after giving personal hearing to applicant with reasonable notice to appear before him.

**6.** The Revisional Authority is directed to decide the prayer for condonation of delay by recording reasons therefore, and if delay is condoned then decide the revision on merit.

**7.** The above exercise shall be completed within a period of eight weeks from the date of receipt of certified copy of this order.

**8.** The order so passed shall then be communicated to the applicant at the earliest, who will at liberty to approach the appropriate forum in case his grievance still persists.

**9.** The OA, stands disposed of accordingly at the admission stage, without issuing notice to the respondents.

***(R. Vijaykumar)***  
***Member (A)***

***(A.J. Rohee)***  
***Member (J)***

*dm.*