

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.798/2003

Wednesday, this the 2nd day of April, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Arjun Meena s/o Sh. Kalu Meena
r/o Permanent Residence of Village
Kalikhad, Post Charada, Dhani Dhangra
Tehsil & Distt. Dosa (Rajasthan)

..Applicant.

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager
Northern Railway, Baroda House,
New Delhi
2. The Additional Divisional Railway Manager
Northern Railway, Delhi Division
Near New Delhi Railway Station
New Delhi
3. The Divisional Signal & Telecom Engineer
Signal DRM, Northern Railway Baroda House
New Delhi
4. Asstt. Signal & Telecom Engineer
RRI, DRM, Northern Railway
Baroda House, New Delhi

. Respondents

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, VC (J):-

Heard Shri Yogesh Sharma, learned counsel for
applicant.

2. This application has been filed by the applicant
against the penalty orders issued by the respondents,
i.e., disciplinary authority's order dated 13.9.2001
removing him from service, which has been confirmed by the
appellate authority by his order dated 9.11.2001. These
penalty orders have been issued on the applicant on the
charge of continuous unauthorised absence for 613 days,
i.e., from 18.1.2000 to 1.10.2001. The respondents have

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also stated that he had not informed the Railway Administration about the absence. The appellate authority has also referred ^{to him} him as a habitual absconder on the basis of previous attendance record and that he did not bother to attend the inquiry proceedings instituted against him. Accordingly, the penalty order of removal has been imposed on him. According to applicant's counsel, no appeal as such was filed by the applicant, although he made a representation seeking permission from the respondents to perform his duties on which the respondents have passed the impugned order dated 9.11.2001. Against this order, the applicant has stated that he has filed a revision petition to the concerned authority dated 4.3.2002 which is still pending.

3. The applicant has also filed MA-689/2003 with the OA praying for condonation of delay, if any, in filing OA. Learned counsel has submitted that the competent authority, i.e., the revision authority has powers to condone the delay, if any, under the rules and the present MA has been filed within 18 months from the date of filing the revision petition on 4.3.2002.

4. We note the submissions of the learned counsel for applicant that the aforesaid revision petition is stated to be pending before the competent authority. This OA has been filed on 25.3.2003. We are not expressing any view either on the merits or regarding the question of condonation of delay at this stage because it would have been appropriate for the revision authority to look into the revision petition said to have been filed by the

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applicant well within time. which apparently has not been done, according to the submissions made by the learned counsel.

§. In the facts and circumstances of the case. the OA is disposed of with the following directions:

- i) If the revision petition dated 4 3.2002 has not been disposed of by the respondents. the Additional Divisional Railway Manager, respondent No.2 shall do so within one month from the date of receipt of a copy of this order by passing a reasoned and speaking order. He shall intimate the applicant of the same in accordance with the rules.
- ii) In case the aforesaid revision petition has already been disposed of and a copy of the order sent to the applicant, these directions may be ignored and the OA shall be treated in that case as having been dismissed.

(Govindan S. Tampi)
Member (A)

/s/ 1/

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)