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Central Administrative Tribunal, Principal Bench

Original Application No.1860 of 2002

M.A.Nos.1484,1485/2002

New Delhi, this the 28th day of April,2003

Hon'ble Mr.Justice V.S.Aggarwal,Chairman
Hon'ble Mr.V.K. Majotra,Member(A)

1. Smt.Jaywanti
Widow of late Shri Jai Kishore
2. Shri Anil Kumar
S/o of late Shri Jai Kishore
3. Ms.Lata
D/o of late Shri Jai Kishore

(All resident of Mohalla Balmiki,
Rawli Road,Moradnagar,
Distt. Ghaziabad)

.... Applicants

(By Advocate: Mrs.Meenu Mainee)

Versus

Union of India through:

1. The General Manager,
Northern Railway,Baroda House,
New Delhi
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

.... Respondents

(By Advocate: Shri Rajinder Khatter)

O R D E R (ORAL)

By Justice V.S. Aggarwal,Chairman


The present application is directed against an order dated 12.7.99 passed by the disciplinary authority removing Shri Jai Kishore from service. Shri Jai Kishore has since died and the present application, therefore, has been filed by his widow.

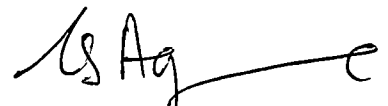
2. During the course of submissions, learned counsel for the respondents pointed that the applicant has not even filed an appeal against the order and, therefore, this Tribunal should not entertain the application. The plea



raised on behalf of the applicant, to the contrary, was that she came to know of the said order only recently before filing the present application and, therefore, the appeal has not been preferred.

3. It is not in dispute that against the impugned order, an appeal is permissible. The applicant in this process has not exhausted remedies available in law and in that view of the matter, the present application is disposed of with the direction that the applicant, if so advised, must exhaust the remedies available in law before coming to this Tribunal. It is for the appellate authority thereupon to consider whether the appeal would be within time or in accordance with law and pass appropriate orders thereon.


(V.K. Majotra)
Member (A)


(V.S. Aggarwal)
Chairman

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