

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1955/2002

This the 1st day of July, 2003

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

P.K.Rana,
Ticket Collector,
Northern Railway,
Shamli.

... Applicant

(By Shri B.S.Mainee, Advocate)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

... Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant has challenged the punishment of removal from service imposed upon him on the charge of unauthorised absence in disciplinary proceedings against him.

2. At the outset, the learned counsel of respondents, Shri R.L.Dhawan, pointed out that this OA is premature and as such not maintainable under Section 20 of the Administrative Tribunals Act, 1985. He further stated that in terms of Rule 24(2) of the Railway Servants (Discipline & Appeal) Rules, statutory remedy of revision petition has been provided but applicant has not availed of the same before filing the present OA. The

learned counsel also relied on order dated 16.9.2002 in OA No.1057/2001 (Annexure R-I) wherein it was held that once a right to file the revision petition is available and has not been availed of, the application cannot be entertained.

3. The learned counsel of applicant has not been able to rebut the contentions raised on behalf of respondents. However, it is made clear that in case applicant prefers a revision petition, the question of limitation shall not be raised before the revisional authority.

4. For these reasons, the application being without merit must fail and is dismissed. No costs.

S. Raju

(Shanker Raju)
Member (J)

V. K. Majotra

(V. K. Majotra)
Member (A)

/as/