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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1238/2001

New Delhi, this the 29th day of January, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Shankar Prasad, Member(A)

Rahul Sachdeva
Ticket Collector
Northern Railway, Rly. Station, Delhi .. Applicant
(Mrs. Meenu Maini, Advocate)

versus

Union of India, through

1. Secretary
Railway Board, New Delhi
2. General Manager
Northern Railway
Baroda House, New Delhi
3. Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi .. Respondents

(Shri Rajinder Khatter, Advocate)

ORDER(oral)

Shri Justice V.S. Aggarwal

Applicant seeks quashing of the penalty imposed upon him. We are purposely not going into the facts of the case and no opinion is being expressed in this regard, the reason being that the disciplinary authority had imposed the penalty of reduction in the initial stage in the same time scale for a period of three years with further direction that on expiry of 3 years, the reduction will have the effect of postponing the future increment of pay of the applicant. Accordingly, his pay was reduced to Rs.3050/- in the existing scale of pay for a period of three years. Applicant preferred an appeal, which was dismissed.

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2. We have pointed to the learned counsel for the applicant that revision petition could have been filed against the same. The answer in this regard was that no revision petition could have been filed in the facts of the present case and in any case the such period as prescribed has since expired.

3. Administrative Tribunals Act, 1985 in unambiguous terms prescribes that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievance. The expression ordinarily under Section 20 would indicate that only in special cases exception under this Section can be drawn, but in normal circumstances the remedy should be exhausted.

4. Under the Railway Servants (Disciplinary & Appeal) Rules, 1968, revision petition is permitted against the order whereby appeal may have been dismissed imposing a major penalty. Admittedly, revision petition has not been filed.

5. In these circumstances, we direct that applicant may, if so advised, avail of the said remedy provided under the Railway Servants (Disciplinary & Appeal) Rules, 1968. Since the applicant has directly approached this Tribunal by filing the present OA, it is further directed that if the applicant prefers revision petition within a fortnight from today, the delay shall be condoned.

6. With the aforesaid finding, OA is dismissed.

Shankar Prasad
(Shankar Prasad)
Member (A)

V.S. Aggarwal
(V.S. Aggarwal)
Chairman

/gtv/