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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**O.A. NO.1588/2001 &  
M.A. NO.2030/2001**

New Delhi this the 17th day of September, 2001.

**HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN**

**HON'BLE SHRI M.P.SINGH, MEMBER (A)**

Chuttan Latoor Ram @ Chuttan Lal  
S/o Shri Latoor Ram  
R/o 391/3, Shankar Marg  
Mandawali, Delhi.

... Applicant

( By Sh.G.D.Bhandari, Advocate )

-versus-

Union of India through

1. The General Manager  
Central Railway  
Headquarters Office  
Mumbai C.S.T.
2. The Divisional Railway Manager  
Central Railway  
Jhansi.


... Respondents

( By Sh.R.L.Dhawan, Advocate )

**O R D E R (ORAL)**

Justice Ashok Agarwal:-

For misconduct of unauthorised absence for a period during 25.5.1995 and 3.5.1996 (221 days), disciplinary proceedings were initiated against the applicant. The disciplinary authority by an order passed on 13.2.1997 after holding the aforesaid charge proved had proceeded to impose a penalty of removal from service upon the applicant. Aforesaid order of the disciplinary authority was carried by the applicant in appeal and the appellate authority by an order passed on 15.10.1997 had maintained the aforesaid order of penalty and had dismissed the appeal. Since the order passed by the appellate



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authority was non-speaking and non-reasoned order, the applicant had earlier instituted OA No.2131/1998 which was disposed of by this Tribunal by an order passed on 14.12.2000 whereby without disturbing the order passed by the disciplinary authority, the order passed by the appellate authority was quashed and set aside and the matter was remitted back to the appellate authority to pass a reasoned and speaking order. The appellate authority has thereafter proceeded to pass an order on 14.5.2001 at Annexure 'A' whereby the aforesaid order of penalty has been maintained and the appeal has been dismissed. Aforesaid orders passed by the disciplinary authority on 13.2.1997 and the one passed by the appellate authority on 14.5.2001 are impugned by the applicant in the present OA.

2. Applicant, it is pointed out by and on behalf of the respondents, has not availed of the remedy of revision provided under Rule 24(3) of the Railway Servants (Discipline and Appeal) Rules, 1968, (for short, the Rules). Present OA, in the circumstances, has been instituted without availing of the departmental remedies by him. Hence no interference is called for in the present OA.

3. According to Shri G.D. Bhandari, the learned counsel appearing in support of the OA, the remedy of revision as provided under the aforesaid rule is merely directory. The rule merely provides that the Railway servant may prefer <sup>revision</sup> an appeal. The same not being mandatory will entitle the applicant

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to approach this Tribunal straightaway without availing the remedy of revision. In our view, the aforesaid contention has merely to be <sup>stated</sup> ~~made~~ for ~~the~~ ~~purpose~~ of being rejected. Once a particular remedy is made available, this Tribunal can justifiably refuse to entertain an OA unless the said departmental remedy is availed of. Aforesaid contention, in the circumstances, is rejected.

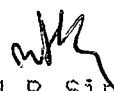
4. Be that as it may, the respondents have filed MA No.2030/2001 whereby they seek permission to undertake suo moto review proceedings in respect of the orders of removal from service which are impugned by the applicant in the present OA. The same are sought to be undertaken in terms of Rule 25 of the Rules. In our view, the prayer made is just and reasonable and deserves to be granted.

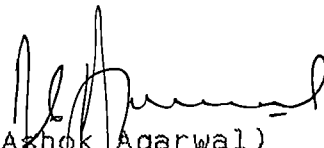
5. Present OA, in the circumstances, is disposed of by granting the aforesaid permission to the respondents to undertake review of the orders as prayed in MA No.2030/2001.

6. Liberty is granted to the applicant to submit a revision application against the order of the appellate authority and if the same is submitted within a period of four weeks from today, the same should be entertained without raising objection as to limitation and the same be disposed of within a period of three months from the date of the filing of the

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revision application. No costs.

  
(M.P. Singh)  
Member (A)

  
(Ashok Agarwal)  
Chairman

/sns/