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Central Administrative Tribunal, Principal Bench

Original Application No.3049 of 2001

New Delhi, this the 17th day of September, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

Shri B.S. Dhangar,
Ex-Assistant Station Master,
Railway Station,
Dankaur, U.P.

.... Applicant

(By Advocate: Ms. Meenu Mainee)

Versus

1. Union of India, through
The General Manager
Northern Railway,
Baroda House,
New Delhi.

2. Chief Operating Manager,
Northern Railway,
Baroda House,
New Delhi.

3. Divisional Railway Manager,
Northern Railway
Allahabad

.... Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

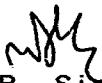
During the course of submissions, learned counsel for the respondents pointed that the statutory right of filing a revision application against the order of compulsory retirement is available and a revision petition can be filed with the General Manager, Northern Railway. Learned counsel for the applicant stated that such a revision petition has already been filed on 18.12.2000 copy of which is Annexure A-9 but no decision has been taken.

2. Under Section 20 of the Administrative Tribunals Act, 1985, there is an embargo on the powers of the Tribunal. The same is to the effect that unless all other

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remedies are exhausted, the application shall not be admitted. It is true that the legislature used the words "Tribunal shall not ordinarily admit an application" but the expression 'ordinarily' would certainly apply in those exceptional cases where the interests of justice so required. Here the applicant himself has preferred a revision petition which is pending and, therefore, we find no valid reasons as to why an exception should be drawn in the facts of the present case.

3. As a consequence, the present O.A. is dismissed observing that the General Manager, Northern Railway will decide the revision petition of the applicant by passing a speaking order preferably within a period of three months from the receipt of the certified copy of this order. It is made clear that dismissal of the present O.A. is not any expression on the merits of the matter.


(M.P. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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