

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1) O.A. No. 359/99

WITH

2) O.A. No. 1605/99

New Delhi: this the 3rd day of February, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MR. KULDIP SINGH, MEMBER (C)

Ghasitua Ram,
S/o Ram Ishwar Dass,

R/o B-83, Shashi Garden,
Delhi Applicant.

(By Advocate: Shri Anis Suhrawardy).

Versus

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

2. The Deputy Controller of Stores,
Northern Railway,
Jagadhri Workshop,
Jagadhri,
Haryana.

3. The Assistant Controller of Stores,
Northern Railway,
Jagadhri Workshop,
Jagadhri,
Haryana.

4. The Inquiry Officer/
Deputy Store Keeper-II,
C/O Deputy Controller of Stores,
Jagadhri Workshop,
Jagadhri. Respondents.

(By Advocate: Shri R.L. Dhawan).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Both these OAs are disposed of by this
common order.

(3)

2. In OA No. 359/99 applicant impugns the charge sheet dated 23.9.98, and the order dated 2.2.99 appointing the Inquiry Officer /Board of Inquiry.

3. In OA No. 1605/99 applicant challenges the Disciplinary Authority's order dated 15.6.99 removing applicant from service pursuant to the inquiry conducted on the basis of the aforesaid charge sheet dated 23.9.98.

4. The aforesaid order dated 15.6.99 itself states that applicant can file an appeal against the same within 45 days of its receipt under Rule 18 Railway Servants(D & A) Rules, but there is nothing to establish that applicant has exhausted his statutory remedy of filing an appeal. Indeed respondents in their reply besides taking the plea of territorial jurisdiction have stated that applicant has approached the Tribunal without exhausting the statutory remedy available to him and filing an appeal, and hence this OA is premature at this stage.

5. There is merit in these submissions of respondents and applicant must first exhaust the statutory remedy available to him, before approaching the Tribunal.

6. Under the circumstance, both OAs are disposed of as being premature, with the direction that if applicant files an appeal against the disciplinary authority's order dated 15.6.99 addressed to the appellate authority within 8 weeks from today, the

(A)

the appellate authority shall not reject the same only on the ground that the same is hit by limitation under Rule 18 Railway Servants (D & A) Rules. No costs.

7. Let a copy of this order be placed in each DA case record.

Kuldeep
(KULDIP SINGH)

MEMBER(J)

Anil Singh
(S. R. ADIGE)
VICE CHAIRMAN (A).

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