

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.801//96

New Delhi, this 27th day of January, 2000

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Smt. Shanta Shastry, Member(A)

R. Tirkey
J-503, Sector 9
Old Vijay Nagar, Ghaziabad .. Applicant

(By Shri Karan Singh, Advocate - not present)

versus

1. Union of India, through
General Manager
Northern Railway, New Delhi
2. Chief Commercial Manager
Northern Railway, New Delhi
3. Chief Area Manager/DM
DRM Office, Northern Railway
New Delhi .. Respondents

(By Shri P.M. Ahlawat, Advocate)

ORDER(oral)

Hon'ble Shri Justice Ashok Agarwal

The present OA is filed against the orders issued by the disciplinary authority imposing penalty of removal from service. The present OA was filed during the pendency of the appeal which the applicant has filed before the appellate authority impugning the very same order which is impugned in the present case. In view of the pendency of the appeal with the appellate authority, in our view, the applicant is not entitled to invoke the jurisdiction of this Tribunal without exhausting all the remedies available to him in law. Since he has filed an appeal, which appeal is still pending and not yet decided, it will not be open for him to invoke the jurisdiction of this Tribunal at this interlocutory stage. The application in the circumstances is dismissed.


[Signature]

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2. It will be open to the appellate authority to decide the appeal on its own merit and in accordance with law after affording the applicant a reasonable opportunity of being heard. It goes without saying that in case the decision on the appeal goes adverse to the applicant, it will always be open for him to approach the appropriate forum at a subsequent stage. No order as to costs.



(Ashok Agarwal)
Chairman



(Smt. Shanta Shastry)
Member(A)

/gtv/