

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1871/89 198
P.A. No.

DATE OF DECISION 26-9-1989

Chiranji Lall Surya Applicant (s)

Shri B.D. Thareja Advocate for the Applicant (s)

Versus

Union of India Respondent (s)

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P. Srinivasan, Administrative Member.

The Hon'ble Mr. T.S. Oberoi, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

This application has come before us for admission today. The applicant is challenging an order dated 2-5-1988 ^{passed} caused by the Principal, Zonal Training School, Chandosi imposing on him the punishment of reduction to a lower post for a period of 5 years and directing a recovery of Rs.9,740/- from his pay towards loss said to have been caused by him to the Railway ^{Ministries}. The applicant has not filed an appeal against this order under the relevant rules. The impugned order of punishment states clearly that an appeal against the said order lies to the Chief Safety Superintendent, Northern Railway, New Delhi. Shri B.D. Thareja, learned counsel for the applicant submits that the applicant could not file the appeal because in spite of several letters addressed by him to the Principal Zonal Training College, ^{He} he had not been supplied with

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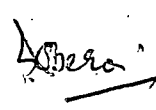
the details on the basis of which the alleged loss of Rs. 9,740/- had been worked out.


2. Under Section 20 of the Administrative Tribunals Act, 1985, this Tribunal will not ordinarily entertain an application unless all departmental remedies have been exhausted. We see, no reason to depart from this normal rule in this case. We, however, feel that ^{the} authorities ^{should} ~~who~~ explained to the applicant as to how the figure of loss of Rs.9,740/- has been arrived ^{at}. We are of the view that this application can be disposed of at this stage itself with appropriate directions.

3. In the result, we direct the applicant to file an appeal to the Appellate Authority ^{of} ~~against~~ the impugned order within 15 days from today. We direct the Appellate Authority to condone the delay, if any, in filing the said appeal in view of the explanation offered before us. The applicant may file the appeal without waiting for details of the figure of loss, but we direct the respondents No.2, namely, the Principal Zonal Training College, Chandosi to furnish the said details to the applicant within one month from the date of receipt of this order to enable him to contest the impugned order in the appeal.

4. This application is rejected at the stage of admission itself with the above observations leaving the applicant's liberty to move this Tribunal, if he is dissatisfied ^{with} the Order to be passed eventually on his appeal. MP 2041 of 1981 may also stand disposed of.

Copy of this order may be handed over ^{to} the counsel for the applicant immediately after it is signed by us.


(T.S. OBEROI)
MEMBER (J)
26-9-1989


(P. SRINIVASAN)
MEMBER (A)
26-9-1989