

Open Court**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR****Original Application No.200/00171/2021**

Jabalpur, this Friday, the 12th day of March, 2021

**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**

Alok Malviya, S/o Late Trilok Chand Malviya, aged about 54 years, R/o A 47, Alka puri, Bhopal – 462001 (M.P), Occupation – Senior Section Engineer, Maintenance
-Applicant

(By Advocate – Shri Akash Choudhary)

V e r s u s

1. Union of India through the General Manager, Western Central Railway, Bhopal, Madhya Pradesh 462001.
2. The Chairman, Railway Board, Rail Vhavan, 1, Raisina Road, New Delhi.
3. The Sr. Divisional Mechanical Engineer, Western Central Railway, Indira Market, Jabalpur (M.P.).
4. The DRM – Mechanical (Bhopal), DRM Rd, Bengali Colony, N-2, Habib Ganj, Bhopal, Madhya Pradesh 462024
-Respondents

(By Advocate – Shri A.S. Raizada)

O R D E R

By Ramesh Singh Thakur, JM.

This Original Application has been filed by the applicant challenging the order dated 28.09.2020 (Annexure A-1) whereby the applicant has been

dismissed from service under Rule 14(ii) of the Railway Servants (Discipline and Appeal) Rules, 1968.

2. The main ground for challenging the impugned order is that Rule 14(ii) of the Railway Servants (Discipline and Appeal) Rules, 1968 is the condition precedent and reasons are to be recorded in writing if the Disciplinary Authority is satisfied that it is not reasonably practicable to hold an inquiry. The words used are reasonably practicable and not impracticable. In the impugned order there is no such satisfaction in writing and, therefore, dismissing the applicant without conducting departmental enquiry is illegal.

3. Learned counsel for the applicant submits that the applicant has preferred an appeal before the respondent department. However, it has not been accepted on the ground that there is no original signature of the applicant.

4. On the other hand, learned counsel for the respondents submits that there is no such document on record nor there is any pleading to the averments made above. Therefore, the Original Application is premature at this stage.

5. We have heard the learned counsel for the parties for quite some time.

6. From Annexure A-1, it is clear that applicant may prefer an appeal against the impugned order, within a period of 45 days from the date of receiving the order. In such situation, we direct the applicant to prefer an appeal before the competent authority of the respondent department, within a period of 45 days



from the date of receipt of a copy of this order and the competent authority shall decide the same expeditiously as per the instructions of the department. We make it clear that delay in filing the appeal shall not come in the way of the respondents in deciding the appeal in view of the directions of the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No.3 of 2020 dated 08.03.2021.

7. With these observations, this Original Application is disposed of at the admission stage itself. No costs.



(Naini Jayaseelan)
Administrative Member

am/-

(Ramesh Singh Thakur)
Judicial Member