

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.703/90

New Delhi, the 22nd of August, 1994

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri P.T. Thiruvengadam, Member (A)

Shri R.C. Sainani,
Aged 50 years,
s/o Late Shri M.J. Sainani,
Permanent Way Inspector (Construction)
Northern Railway,
under Dy.C.E. (Const),
Northern Railway,
Bhiwani,
r/o Railway Quarter
B.G. Railway Colony,
Hissar.

.... Applicant

Vs.

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

2. The Chief Administrative Officer (Const),
Northern Railway,
Kashmere Gate,
Delhi-6.

3. The Senior Civil Engineer (Construction)
Northern Railway,
Bhiwani.

.... Respondents

(Shri B.K. Aggarwal, Advocate)

O R D E R (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The applicant has assailed the order of
punishment dated 1.4.1990 passed by Senior Civil
Engineer, Northern Railway, Bhiwani imposing the
punishment of recovery of Rs.20,045/- in the monthly
instalment of Rs.334.08. The applicant has filed an

...2.

:2:

appeal against the aforesaid order dated 9.4.1990 and without awaiting the result of the appeal the applicant had filed this application on 18.4.1990. By the order dated 6.6.1990 the respondents were directed not to make any recovery from the salary of the applicant.

2. None appears for the applicant. Shri B.K. Aggarwal for the respondents states that the application is premature inasmuch as the remedy by way of appeal before filing this application has not been exhausted in view of the full Bench decision in the case of B. Parameshwara Rao, Hyderabad C.A.T., Vol.II, Page 250. The applicant has, before filing any application under section 19 of the Act, 1985 as to exhaust departmental remedy. In this case it is all the more necessary because statutory appeal is provided under Rule 18 of the Railway Rules.

3. The application is therefore dismissed as premature with liberty to the applicant to assail any final order passed in the appeal alongwith order of the disciplinary authority subject to law of limitation, if so, advised. Stay order has been granted by this Tribunal on 6.6.90 shall remain in force till the appeal is disposed of. Party to bear & at his own cost. The application is disposed of as premature.

P.T. Thiruvengadam
(P.T. THIRUVENGADAM)
MEMBER(A)

J.P. Sharma
(J.P. SHARMA)
MEMBER(J)

'rk'