

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.2470/93

New Delhi this the 25th Day of November, 1993.

The Hon'ble Mr. N.V. Krishnan, Vice-Chairman  
The Hon'ble Mr. C.J. Roy, Member (J)

D.K. Sharma S/O Sh. Ram Singh Sharma,  
R/O G-76A, Sector 9,  
New Vijay Nagar,  
Ghaziabad (UP)  
(By Advocate Shri V.P. Sharma)

...Applicant

Versus

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

2. The Divisional Railway Manager,  
Northern Railway, Delhi Division,  
Near New Delhi Railway Station,  
New Delhi.

3. The Divisional Operation Manager (M)  
Northern Railway, Delhi Division  
New Delhi.

4. The Station Manager,  
Northern Railway,  
Ghaziabad (UP)

...Respondents

O R D E R (ORAL)

(Hon'ble Mr. N.V. Krishnan)

The applicant is aggrieved by the order of penalty dated 12.11.93 imposed by the third respondent in disciplinary proceedings and he has been dismissed from service. The O.A. is directed against this order. The learned counsel for the applicant submits that the charge itself had no basis and ought to not have been proceeded with. In reply to our querry he stated that, <sup>when</sup> the charge was framed, ~~he~~ did not approach any competent Court of law to have the charge ~~cleared~~ <sup>quashed</sup> on the ground that such a charge can ~~not~~ be made at all.

2. In reply to our further querry, whether he should not exhaust the statutory remedy of an appeal before the Tribunal, the learned counsel submitted

that this Tribunal has enough ~~opportunity~~ to quash such an order of penalty even if the applicant does not resort to the appeal provided in the statutory rules.

3. We have heard the learned counsel. We are of the view that the appeal provided under the Railway Servants (Discipline & Appeal) Rules, 1968 is an effective remedy in respect of the grievance the applicant has and it is, therefore, necessary for ~~him~~ <sup>him</sup> to exhaust that remedy before he approached this Tribunal.

4. The learned counsel made a last submission that if that be so, the appellate authority should be directed to dispose of the appeal within a period of one month. We are of the view that no such direction can be given in this regard. In this circumstances this O.A. is dismissed on the ground that the alternative remedy has not been exhausted.

*25.11.93*

*msb*  
(C.J. Roy)  
Member (J)

(N.V. Krishnan)  
Vice-Chairman

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