

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 3rd DAY OF JANUARY 2002

Original Application No. 1558 of 2001

CORAM:

HON.MR.RAFIQ UDDIN, MEMBER(J)

HON.MR.C.S.CHADHA, MEMBER(A)

Subhash chandra Saxena, S/o
Shri R.S. Saxena, R/o C-18
Railway colony, Govind Nagar,
Kanpur, Uttar Pradesh

... Applicant

(By Adv: Shri B.N.Singh)

Versus

1. Union of India through the
General Manager, Central Railway
Chatrapati Shivaji Terminus, Mumbai
2. Divisional Railway Manager
Central railway, Jhansi
Division, Jhansi.
3. Additional Divisional Rail Manager
II, Central Railway, Jhansi Division
Jhansi.

... Respondents

O R D E R(Oral)

HON.MR.RAFIQ UDDIN, J.M.?

The applicant, while working as C.P.W.I, Central Railway at Agra was proceeded departmentally and after holding disciplinary proceedings the Disciplinary Authority imposed the penalty vide impugned order dated 11.12.2001, reduction in rank in the grade of CPWI from Rs.5000-8000 fixing his pay at the initial at Rs.5000/- per month for a period of 5 years with cumulative effect. By means of this OA the applicant has approached this Tribunal seeking quashing of the order dated 11.12.2001 and for direction to the respondents to treat him continuing on the post of CPWI with all consequential benefits.

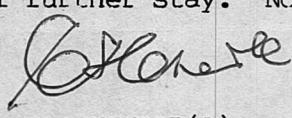
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We have heard counsel for the parties. The OA is disposed of finally at the admission stage with the consent of parties.

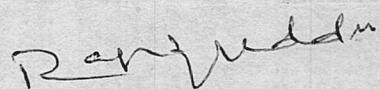
It is an admitted case that the applicant has not filed statutory appeal under Rule 18 of the Railway servants (D&A) Rules 1968. The learned counsel for the respondents, has therefore, contended that the OA is not maintainable at this stage being premature and is liable to be dismissed.

Learned counsel for the applicant, has, however urged that the applicant may be permitted to file the statutory appeal until filing of appeal, the operation of the impugned order is stayed if already not impleaded.

We, accordingly dispose of this OA finally with the direction to the applicant to file such an appeal within the statutory time and till then the operation of the impugned order shall be stayed if already not impleaded and the Appellate Authority may consider the granting of further stay. No order as to costs.



MEMBER(A)



MEMBER(J)

Dated: 03.1.2002

Uv/