

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1615 of 2001

Allahabad this the 12th day of April, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. C.S. Chadha, Member (A)

Uma Shanker aged about 28 years, S/o Sri Sattu
Ram, R/o 32/4 JA-U Nainagard (Talliya Mohalla)
Prem Nagar, Jhansi.

Applicant

Advocate Shri Sudhir Kr. Srivastava

Versus

1. Union of India through General Manager,
Central Railway, Bombay C.S.T.
2. Sahayak Nirman Prabhandhak (R-II) Karkhana
Jhansi, Central Railway, Jhansi.
3. Sahayak Karya Prabandhak (R-II) Karkhana
Jhansi, Central Railway, Jhansi.
4. Assistant Engineer, Central Rly. Mahoba.

Respondents

By Advocate Shri K.P. Singh

O R D E R (Oral)


By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.


This O.A has been filedpg.2/-



challenging the order dated 09/08/01 by which the applicant has been awarded punishment of dismissal from service on conclusion of disciplinary proceedings. Shri K.P. Singh, counsel for the respondents has submitted that the applicant has a statutory right of appeal against this order and the applicant was also informed about this fact by the impugned order that he can file an appeal before the Construction Manager (R) Jhansi. However, remedy of appeal has not been availed and the applicant has approached this Tribunal directly. We do not find any justification on the part of the applicant why he could not file appeal against the order of dismissal from service. This O.A. is not legally maintainable and liable to be dismissed on this ground of alternative remedy.

2. The O.A. is accordingly dismissed on the ground of alternative remedy. The applicant may file appeal before the appellate authority which may be considered and decided in accordance with law. No order as to costs.


Member (A)


Vice Chairman

/M.M./