

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 31st day of August, 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 1054 of 2001.

Pancham Singh a/a 50 years S/o Sri Jhamman Singh
Cabin Master, Northern Railway Station Rasuaiya
Distt. Bareilly.

.....Applicant

Counsel for the applicant :- Sri R.D. Agrawal
Km. Renu Agrawal

V E R S U S

1. Union of India through the General Manager,
Northern Railway Headquarter Office,
Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Rly. Moradabad.
3. Divisional Operating Manager, N. Rly. DRM Office, Moradabad.
4. Station Master, N. Rly. Station Rasuiya, Bareilly.
5. Traffic Inspector, N. Rly. Bareilly.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (Oral)

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

By this O.A under section 19 of the Administrative Tribunals Act, 1985, applicant has challenged the order dated 16.07.2001 by which he has been punished on conclusion of disciplinary proceedings by reduction in rank for period of two years. The applicant was serving as Switchman and he has been reverted as Cabinman. It is not disputed that the applicant has a remedy by way of appeal under the Railway Servants (Discipline and Appeal) Rules, 1968. As the applicant has not exhausted the statutory remedy of appeal, this O.A




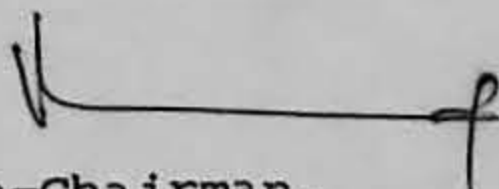
is not legally maintainable.

2. Learned counsel for the applicant however, has submitted that the remedy of appeal provided under rules is not efficacious as there is no provision to grant interim relief by appellate authority and long time is taken in deciding appeal. Sri A.K. Gaur, learned counsel for the respondents on the other hand has submitted that this O.A may be dismissed as not maintainable at this stage. Hon'ble Supreme Court discouraged such course in several judgements. It is further submitted that to avoid delay, direction may be given to appellate authority to decide the appeal within specified time.

3. After considering the submission made by the counsel for the parties, we are of the view that as we are rejecting this appeal as not maintainable at this stage, there is no justification for granting interim relief. However, the prayer of the applicant that delay in deciding the appeal may be avoided by giving direction to appellate authority to decide the appeal of the applicant expeditiously, is justified. The O.A is disposed of finally with the direction to the appellate authority to decide the appeal of the applicant within three months from the date a copy of this order is filed before him.

4. There will be no order as to costs.


Member- A.


Vice-Chairman.

Dt.31.08.2001

/Anand/