

(11)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1535 OF 2005

ALLAHABAD THIS THE 14TH DAY OF JULY 2008

HON'BLE MR. N. D. DAYAL, MEMBER-A
HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Maharani Deen Mishra son of
Late Laxmi Narain Mishra, resident of
Village-Chhata, Post Office-Mauaima,
(Chhata), District-Allahabad.

..... .Applicant

By Advocate : Sri K.C. Shukla

Versus

1. Union of India through its General manager,
North Central Railway, Headquarters Office,
Allahabad.
2. Divisional Railway Manager,
North Central Railway, Allahabad.
3. Divisional Signal & Telecommunication
Engineer (M), North Central Railway,
Allahabad.
4. Assistant Divisional Signal & Telecommunication
Engineer (M), RRI, Kanpur Power Cabin,
North Central Railway, Kanpur.
5. Senior Section Engineer,
Signal, RRI (M), Kanpur Power Cabin,
North Central Railway, Kanpur.

..... . Respondents.

By Advocate : Shri Ravi Ranjan

ORDER

HON'BLE MR. N. D. DAYAL, MEMBER-A

Learned counsel for the applicant has drawn our
attention to the order passed by the respondents at
page 17 dated 22.03.2005 by which the disciplinary
authority has removed him from service. By this order
the applicant has ^{been} _{granted} liberty to prefer an appeal

within 45 days. Learned counsel for the applicant has submitted that the appeal stated to have been preferred on 27.04.2005 ⁷ which is within that period. This has been placed in the pleadings at page 47 and 51. Learned counsel for the respondents has drawn our attention to para 23 of the CA where it is stated that no such appeal was received and the disposal receipt shows that appeal was sent to wrong address. However, he came before the Tribunal on 05.10.2005 within the limitation period seeking relief in this OA.

2. We are however, of the view that since the statutory departmental remedy is not yet exhausted, the respondents would not be prejudiced if they are asked to decide ⁷ ~~on merits~~ the appeal of the applicant as placed in these pleadings and also treating the grounds taken in this OA as a part thereof and inform him by a speaking order of the decision taken within a period of three months from the date of receipt of a certified copy of this order. ⁷ ~~This~~ ordered accordingly.

3. The OA is disposed of as above. No Costs.



Member-J



Member-A

/ns/