

**Open Court**

**Central Administrative Tribunal,  
Allahabad Bench,  
Allahabad**

**This the 17<sup>th</sup> day of August, 2021**

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)  
Hon'ble Mr. Tarun Shridhar, Member (A)**

**Original Application No. 330/00603/2021**

Badri Narayan, aged about 59 years, Son of Late Mangru Lal, Resident of Village-Bardha, P.O. – Karchana, District – Allahabad (Pin – 212301)

.....**Applicant**

**By Advocate: Shri Arvind Kumar Rai.**

**VERSUS**

1. General Manager, North Central Railway, Subedarganj, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. Senior Divisional Medical Officer, North Central Railway Allahabad.
4. Senior Divisional Medical Officer, North Central Railway Mirzapur.

.....**Respondents**

**By Advocate: Shri Shesh Mani Mishra.**

**ORDER**

**Delivered by Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)**

We have joined this Division Bench online through video conferencing.

2. Shri Arvind Kumar Rai, learned counsel for the applicant is present in court. Shri Shesh Mani Mishra, appeared online on behalf of the respondents, on advance notice.
3. Heard learned counsel for the parties and perused the record.
4. Learned counsel for the respondents raised a preliminary objection regarding maintainability of this OA, by contending that the instant OA has been filed without exhausting alternative remedy of filing departmental appeal against the impugned order.

5. In reply thereto, learned counsel for the applicant submitted that the applicant has filed a revision because the competent authority has the power to call for records in revision.

6. We are not convinced with the aforesaid arguments. In our view, filing of appeal before filing of revision is necessary as per legal provisions and applicant admittedly has not filed any departmental appeal.

7. Accordingly, the Original Application is liable to be dismissed, being premature and is dismissed accordingly.

8. There shall be no order as to costs.

Hon'ble Mr. Tarun Shridhar, Member (A) has given his consent during virtual hearing.

**(Tarun Shridhar)**  
**Member (A)**

**(Justice Vijay Lakshmi)**  
**Member (J)**

Sushil