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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No. 994 of 1988

Balbeer Singh Applicant.
Versus

Union of India & others Respondents.

Hon'ble Ajay Johri, A.M.
Hon'ble G.S. Sharma, J.M.

In this application filed under Section 19 of the Administrative Tribunals Act XIII of 1985, the applicant, who was working as Leverman in the Northern Railway, has challenged his removal from service with effect from 6.7.1984 and the subsequent order of the appellate authority dated 30.9.1985 rejecting his appeal and further order dated 13.2.1987 in respect of the revision application which was filed by him on 7.5.1986 against the rejection of his appeal. The applicant while he was posted at Kanpur Northern Railway went on leave in June, 1982 and according to him, he had submitted leave extension application from time to time, but this period was abruptly treated as unauthorised absence by the respondents and they took action to remove him and finally served the order of removal dated 6.7.1984. The applicant has mentioned in his application that he was not given any charge-sheet and that some enquiry was conducted on his back and ultimately the respondents imposed a penalty of removal from service. Thus, according to him, the entire process of the Disciplinary Appeal Rules have been violated by the Disciplinary Authority and the Appellate Authority also did not consider the various aspects which he has raised in his appeal.

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2. The respondents' letter of 13.2.1987 which advised the applicant about the rejection of his revision petition dated 7.5.1986 as it was not preferred within the time allowed for the same under the rules, was not acted upon by the applicant inasmuch as he was given an opportunity to address another revision application to the General Manager, who could entertain the same without limitation instead the applicant has come to this Tribunal seeking the reliefs of quashing the various orders.

3. We have heard the learned counsel for the applicant. We feel that in view of the fact that the applicant has not made use of the suggestion given by the respondents in their letter of 13.2.1987 ~~by failed to~~ and ~~utilised~~ the departmental remedy so available this application can be disposed of with suitable directions in this regard. We accordingly direct that the applicant would submit a revision petition to the General Manager bringing out the various points which he has highlighted in this application and the General Manager will consider this application within three months from the date of its receipt and give suitable orders on the same. If the applicant is still aggrieved by the order of the General Manager ~~on~~ ² his revision petition he will be at liberty to approach this Tribunal again. This application is disposed of accordingly.

S. Narayana
MEMBER (J)

B. S. R. A. R.
MEMBER (A).

Dated: September 19, 1988.

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