

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A. No. 848 of 1992

Arjun Singh Yadav ... .. Applicant.

Versus

Union of India through General Manager  
Central Railway and others ... .. Respondents.

Hon. Mr. K. Obayya, Member (A)  
Hon. Mr. Ma-haraidin, Member (J)

( By Hon. Mr. K. Obayya, Member (A) )

The order dated 1.5.1992 cancelling the promotion of the applicant and the order dated 20.4.1992/10.6.1992 passed by the Disciplinary Authority are impugned in this case. The applicant who is a loading foreman in the Central Railway working at Orai was proceeded with departmentally for misconduct and certain acts of omission and commission. A charge-sheet dated 9.1.1990 was served upon him, thereafter, the enquiry followed resulting in passing of punishment order dated 20.4.1992/10.6.1992 awarding the penalty of reduction to the applicant to the lower scale from Rs. 1760 to 1640 in the scale of Rs. 1400-2300. Against the order of disciplinary authority, the applicant has not preferred any appeal and has come before us with this application. We have heard the learned counsel for the applicant and considered the averments. In Section 20 of the Administrative Tribunals Act, 1985 it is provided that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all remedies available to him under the relevant service rules. Under Rules 18 and 19 of the C.C.S. (C.C & A) Rules, the right of appeal is provided to the delinquent employee. The applicant instead of availing the statutory remedy available to him, has rushed to this Tribunal. We are of the view that the application

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is pre-mature in as much as it has been preferred without availing other statutory remedies available to the applicant. The learned counsel for the applicant submitted that the applicant will file an appeal before the competent authority and a direction may be issued for early disposal of the appeal.

2. In the circumstances, we direct the respondents to entertain the appeal <sup>if</sup> preferred by the applicant within 10 days from the date of receipt of the copy of this order and dispose it of as expeditiously as possible in accordance with law. The application is disposed of with these observations at the admission stage. No order as to costs.

  
Member (J)

Dated: 9.7.1992

(n.u.)

  
Member (A)