

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 23rd DAY OF FEBRUARY, 1995

Original Application No. 1429 of 1994

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAYAL, MEMBER(A)

R.S. Tiwari, s/o late Shri Ram Jatan
Tiwari, Railway Quarter No. 118 C.D
Nawab Yusuf Road, 3rd Avenue, Allahabad.

.... Applicant

BY ADVOCATE SHRI S.S.P. GUPTA

Versus

1. General Manager, Northern Railway, Baroda House, New Delhi
2. Divisional Railway Manager, Northern Railway, Allahabad.
3. Senior Divisional Operating Manager Northern Railway, Allahabad.
4. Divisional Operating Manager, N. Rly Allahabad.
5. Senior Divisional Personnel Manager Northern Railway, Allahabad.

.... Respondents

O R D E R (ORAL)

JUSTICE B.C. SAKSENA, V.C.

We have heard the learned counsel for the applicant. The applicant challenges an order dated 10.5.1994 contained in Annexure 8. By this order the A.D.R.M, Northern Railway has decided that the entire period 16.7.93 to till resumption of his duty as without pay. The applicant challenges the order on the ground that after the punishment order an appeal

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B.C.

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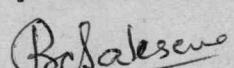
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was preferred and the Appellate authority passed an order imposing compulsory retirement and subsequently reduction to lower grade to the applicant. ^{It was changed on Revision Bel}

2. The learned counsel for the applicant urges that the impugned order dated 10.5.94 contained in Annexure 8 was passed without jurisdiction. He further submits that neither any appeal or revision had been preferred and thus the order could not have been passed suo-moto by the Authority concerned. This submission is not legal and tenable. The ^{has been} impugned order passed in exercise of power under Para 2044 of the Indian Railway Establishment Code Vol-II which is analogous to F.R.54. That order has nothing to do with the order of punishment or to filing of an appeal or revision. The submission ^{is} ~~was~~ misconceived.

3. The O.A. lacks merit and is accordingly dismissed.


A.M.


V.C.

Dated: 23.2.1995

Uv/