

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1726 of 1994

Allahabad this the 31st day of July, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

Kure A/a 56 years, Son of Kishori, resident of
Dhawakar, Tahsil, Mahuranipur, Jhansi.

Petitioner

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay V.T.
2. Divisional Railway Manager, Central Railway, Jhansi.
3. Divisional Operating Manager, D.R.M. Office, Jhansi.
4. Senior Divisional Operating Manager, D.R.M. Office, Jhansi.
5. Assistant Operating Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri A.V. Srivastava

ORDER

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

The departmental inquiry was proceeded against the applicant - Shri Kure Kishore on the charge of unauthorised absence from duty from 24.11.91 to 01.07.92. The Inquiry Officer found him guilty of

the charge and vide order dated 24.8.93(ann.A-1), the disciplinary authority imposed penalty of reduction to the lower post of Pointsman 'B' with cumulative effect. The applicant preferred appeal against this order and the appellate authority vide order dated 10.12.93(annexure A-2), decided the appeal with the order to reduce the penalty of reduction to lower grade of Pointsman 'B' grade Rs.800-1150/- for 2 years, fixing pay @ Rs.950/- (non-cumulative).

2. The applicant sought order in revision, where the punishment was reduced from reduction in grade to compulsory retirement. Copy of this order dated 31.8.94 has been placed as annexure A-4. The applicant has come before the Tribunal impugning the punishment of the appellate order and the order passed by the departmental authority.

3. The respondents have contested the case and filed the counter-reply.

4. Heard, the learned counsel for the rival contesting parties and perused the records.

5. The doors of the Tribunal are open when all other doors in the department have been closed and no remedy remains available from the departmental authority. But the applicant has hurriedly exhausted all the remedies available under the departmental rules. It is

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evident from the revisional order (annexure A-4) that appeal lies against this order of compulsory retirement under Rules 18 and 19 of the R.S. (D&A) Rules, 1968, which could be preferred within 45 days from the date of communication of revisional order. The applicant did not avail this opportunity and just rushed to the Tribunal. Therefore, we decline to grant any relief in the matter in which we have been approached before it is mature. However, it is provided that, in case the applicant prefers a departmental appeal under Rules 18 and 19 of the R.S. (D&A) Rules, 1968 within one month from the date of ~~communication~~ of this order, the same may be entertained and decided notwithstanding the period of limitation in this regard.

6. The O.A. is disposed of with the above observation. No order as to costs.

mbh
Member (A)

See next
Member (J)

/M.M./