

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 291 of 1994

K.P.Singh & Others. Applicants.

Versus

Union of India & Others. Respondents.

Hon'ble Mr. S.Das Gupta, Member-A

Hon'ble Mr. T.L.Verma, Member-J

(By Hon'ble Mr. S.Das Gupta, A.M.)

Heard Shri B.N.Singh, learned counsel
for the applicants.

2. The applicants are Gangmen under the Railways. They were given chargesheets for major penalty and finally, the impugned order dated 4.1.1994 removing them from service was issued. The petitioners have approached this Tribunal without exhausting their statutory remedies like appeal and revision. The learned counsel for the applicant submits that in view of the fact that the disciplinary action taken against the applicants is ex-facie irregular, there is no need for the applicants to submit their appeal and wait for the result before filing petition in this Tribunal.

3. We have considered the matter. We find that the removal of the applicants has been ordered after issue of chargesheet and holding an inquiry. Whether or not there are infirmities in the proceedings ~~can~~ be examined only after hearing of both the parties. The proceedings cannot be held ex-facie irregular

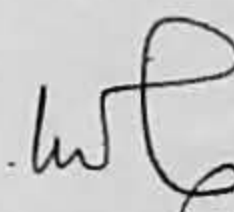
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and as such the petitioners must exhaust their statutory remedies before coming to this Tribunal. The applicants have stated to have submitted appeals against the order of removal from service. In the facts and the circumstances of the case, we hereby direct the respondent No. 2 to consider the appeals of the applicants and dispose of the same by a reasoned and speaking order after giving a personal hearing to the applicants within a period of two months from the date of communication of this order.

4. The Original Application is disposed of at the admission stage with the above direction.


Member-J


Member-A

Allahabad Dated: February 23, 1994

/jw/