

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 580 of 1995

Allahabad this the 31st day of May 2000

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

Mahendra Kumar Srivastava, Son of Late Sri Salik Lal Srivastava, resident of 205H/22, Anand Puram, Chakia, District Allahabad.

Applicant

By Advocate Shri O.P. Gupta

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Shri A.K. Jain, Divisional Rail Manager, Northern Railway, Allahabad.
3. Senior Divisional Electrical Engineer, Traction Machine Shed, Northern Railway, Fasalganj, Kanpur.
4. Shri Virendra Bahadur Singh, Senior Divisional Electrical Engineer, Traction Machine Shed, Northern Railway, Fasalganj, Kanpur.
5. Shri Sudhir Kumar, Senior Divisional Electrical Engineer (Traction Rolling Stock), Northern Railway, Kanpur.

Respondents

By Advocate Shri B.B. Paul

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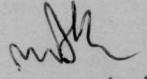
O R D E R ( Oral )

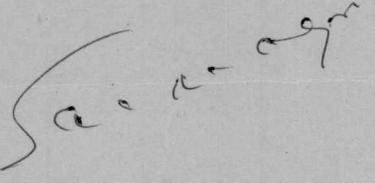
By Hon'ble Mr.S.K.I. Naqvi, Member (J)  
The applicant - Mahendra Kumar Srivastava hurriedly rushed at p-remature stage and knocked the Tribunal before exhausting the available remedies by way of appeal under Rule 18 of Disciplinary and Appeal Rules, against the order of removal which has been sought to be quashed in this O.A. The decision referred by the learned counsel for the applicant cited as A.T.J.

1999(3) Manoj Kumar Pandey Vs. M/s B.Cooking Coal Ltd. and Others, page 102, in which the Hon'ble High Court of Judicature at Patna has held that the Writ Petition against the order of dismissal from service, cannot be rejected on the ground of alternative remedy after the expiry of 7 years. In that case, the benefit was allowed to the petitioner ~~as~~ <sup>5</sup> as exceptional circumstances for interference by the Hon'ble High Court under Article 226 of the Constitution of India, but here the position is different where we are not hearing the matter under Article 226 of the Constitution ~~hence~~ and those powers cannot be exercised in this matter.

2. Since it is serious matter of civic rights of the applicant who has been removed from service, we find it a fit matter

to dispose of the O.A. with the direction to the respondents that the applicant may be allowed to file departmental appeal within a month ignoring the period of limitation for the same, and the appeal shall be decided by the respondents within 3 months thereafter by reasoned, speaking and detailed order. No order as to costs.

  
Member (A)

  
Member (J)

/M. M./