

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15TH DAY OF JANUARY, 2002

CORM: Original Application No. 16 of 2002

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

H.N.Sharma, S/o late R.N.Sharma
R/o E-27/A North Colony
Bareilly Junction,
District Bareilly.

.... Applicant

(By Advs S/Shri Gajendra Pratap/
Anoop Trivedi.)

Versus

1. Union of India through
Chairman, Railway Board
Rail Bhawan, new Delhi.
2. General Manager
Northern Railway
Baroda House,
New Delhi.
3. Divisional Railway Manager
Northern Railway
Moradabad.
4. Senior Medical Superintendent
Northern railway,
Moradaba.

.... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged order dated 28.12.2001 by which he has been compulsorily retired from the post of Senior Chief Health Inspector on conclusion of the disciplinary proceedings.

Shri M.K.Sharma learned counsel appearing for the respondents has submitted that this OA is not legally maintainable as applicant has not availed the statutory remedy available to him under Rule 18 of Railway Servants (Discipline & Appeal) Rules, 1968.

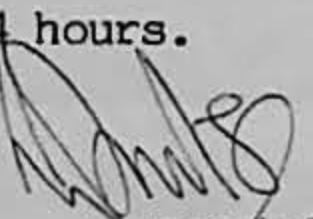
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The learned counsel for the applicant on the other hand, submitted that as the order impugned in this OA has been passed by an authority not competent to pass the order of compulsory retirement, This Tribunal may entertain the OA which can be decided finally on a short question of law.

We have considered the submissions of counsel for the parties. It cannot be disputed that even the question that order ^{was} ~~h~~ passed without authority can be raised ^{before} ~~without~~ the Appellate Authority and it can be decided more appropriately by the Appellate Authority. The applicant has not made any averment about his appointing authority.. The learned counsel for the applicant then submitted that the applicant is going to attain the age of superannuation in the month of July 2002, the appellate authority takes long time in deciding the appeals and in that situation the applicant may suffer irreparably.

Considering the facts and circumstances, we dispose of this OA with the direction to the Appellate Authority to decide the appeal within a period of six weeks from the date a copy of this order is filed before him alongwith the memo of appeal. There will be no order as to costs.

Copy of the order shall be given to the counsel for the applicant within 24 hours.


MEMBER(A)


VICE CHAIRMAN

Dated: 15.1.2002

Uv/