

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 19th day of April 2002.

QUORUM : HON. MR. C. S. CHADHA, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

O.A. No. 411 of 2002.

Kripa Shankar Lal (Section Engg.I Works), Gopal Ganj s/o
Deo Sharan Ram r/o Village Mohammadpur, Post Mubarakpur,
Dist. Ghazipur, at present posted as Junior Engg.I (Work),
Chapara, N.E. Railway C.P.C.....

..... Applicant

Counsel for applicant : Sri I.M. Kushwaha.

Versus

1. Union of India through G.M., N.E., Railway, Gorakhpur.
2. D.R.M. (Engg.), NE. Railway, Varanasi.
3. D.E.N. (IV), N.E. Railway, Varanasi.
4. A.D.E. N. Chapara, N.E. Railway, Chapara.
5. K.M. Srivastava, Asst. Divisional Engineer, N.E.R. Chapara

.....

..... Respondents.

Counsel for respondents : Sri K.P. Singh.

ORDER (ORAL)

BY HON. MR. C. S. CHADHA, A.M.

The matter relates to the punishment to the applicant vide order dated 15.3.01 by which the applicant was punished by reduction to the minimum of the time scale for 35 months without cumulative effect. Aggrieved by this order, he has filed this O.A. without filing the statutory appeal. Counsel for the applicant has brought to our notice a letter written by applicant to the Respondent No.2 DRM, Engineering Central Eastern Railway, Varanasi as per Annexure No.4 dated 9.4.01. That application is not an appeal in as much as it does not firstly state that it is an appeal nor it gives any reason why the order of the disciplinary authority is illegal or invalid. It merely reiterates the case of the applicant that he had applied for leave. This is

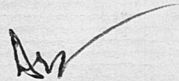
[Handwritten Signature]

not an appeal and unless the applicant exhausts the statutory appeal and revision, he cannot approach this Tribunal.

2. Counsel for the applicant also states that he is being deliberately harassed by his superiors because he has received two punishments and three charge-sheets in one year. We are unable to agree with this contention because there could be more than one instance of misdemeanour in one year. Each order of punishment has to be challenged in a separate O.A. after having exhausted all the statutory remedies. However, in the interests of justice, we would permit the applicant now to file an appeal before the appellate authority which shall be considered to be within time.

3. In the circumstances mentioned above, this O.A. is dismissed as being pre-mature and as having been filed without exhausting the statutory remedies of appeal and revision. However, the respondents are directed to allow the applicant to appeal against the impugned order and the same shall be decided by a reasoned speaking order within six months from the filing of appeal.

No order as to costs.


J.M.


A.M.

Asthana/
22.4/2.5.02