

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

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original Application No. 510 of 2003.

this the 12th day of May 2003.

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Mukund Lal Sonkar, S/o sri Jangi Ram, R/o Village Tahsia Ka
pura Ram Nagar, Meja, Allahabad.

Applicant.

By Advocate : Sri J.S. Yadav.

versus.

1. Union of India through G.M., Eastern Railway, Gorakhpur.
2. Head Commercial Manager, /Administrative Officer, Varanasi (Personnel) N.E.R., Varanasi.
3. G.M. (P) N.E.R, Gorakhpur.
4. Sri S.C. Prasad, Administrative Officer, N.E. Rly., Varanasi.
5. D.R.M., N.E.R., Varanasi.

Respondents.

By Advocate : Sri Vinod Kumar for Sri K.P. Singh.

O R D E R (ORAL)

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

In this O.A. filed under Section 19 of the A.T. Act, 1985, the applicant has prayed for quashing ~~for quashing~~ of the order dated 10.3.2003 by which he has been removed from service. The applicant has also prayed for quashing of the chargesheet dated 28.11.2001.

2. The applicant was appointed as LCP in class IV category in the respondent's establishment on 10.9.80. He was promoted as Goods Clerk on 7.6.83. The applicant was again promoted as Sr. Goods Clerk in August 88 and thereafter as Head Commercial Clerk in March 93. The applicant was served with a major penalty chargesheet dated 28.11.2001. After completion of the disciplinary proceedings, the disciplinary

authority passed the removal order dated 10.3.2003 (Annexure A-6) which has been challenged by the applicant in this O.A.

3. On perusal of the record, it appears that the applicant has not preferred any appeal. The statutory appeal is available to the applicant and the applicant should have approached this Tribunal only after exhausting the departmental remedy, which was available to him.

4. In our considered opinion, the interest of justice shall be better served if the applicant is given an opportunity to prefer an appeal which may be decided by the appellate authority within the specified period of time by a reasoned and speaking order.

5. In the facts and circumstances of the case, the present O.A. is finally disposed of at admission stage itself with a direction to the applicant to file an appeal before the appellate authority within a month^{from today} if he so desires. In case the appellate authority shall decide the appeal of the applicant within a period of three months from the date of receipt of such appeal alongwith a copy of this order. There shall be no order as to costs.

Girish

MEMBER (J)

Dantes
MEMBER (A)

GIRISH/-