

Shri Tirathlal G. Khubchandani  
Station Master,  
Morvi Railway Station,  
Western Railway,  
Morvi.

..... Petitioner

Versus

Union of India through  
General Manager,  
Western Railway,  
Churchgate,  
Bombay - 400 020

Divisional Railway Manager,  
Western Railway,  
Kothi Compound,  
Rajkot.

..... Respondents

Coram : Hon'ble Mr S P Mukherjee .. Administrative Member  
Hon'ble Mr P M Joshi .. Judicial Member

O R A L O R D E R

Date : 7/7/1987.

Per : Hon'ble Shri P M Joshi .... Judicial Member

In this application, under section 19 of the Administrative Tribunals Act, 1985, the petitioner serving as Post Master at Morvi Railway Station has challenged the order dated 23.6.1987 passed by the Divisional Railway Manager, Rajkot whereby he reduced the punishment of reduction to lower grade to 'withholding of increment for two years with future effect'. It may be stated here that the petitioner had earlier moved ~~the~~ Civil Court against the D.A.R. action whereby he was awarded punishment of reduction to lower grade. In T.A. 576/86, we had quashed the said order and directed the petitioner to file an appeal within one month before the appellate authority of the respondents/Railway Administration to decide the question of penalty being imposed upon

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the petitioner as required under the provision of the Railway Servant Appeal Rules, 1968. It transpires that the petitioner had filed an appeal and it has been decided by the appellate authority. The petitioner has now come again before this Tribunal and has prayed that the aforesaid order of penalty imposed by the appellate authority be quashed and set aside.

Mr BB Gogia, learned counsel for the applicant contended that the order imposing penalty of "withholding of increment for two years with future effect" is likely to result in colossal monetary loss in future and hence the same deserves to be quashed. According to him, there is a technical breach and the nature of misconduct is of a trivial nature which has been over looked by the appellate authority. It is however conceded that the impugned order of penalty can be reviewed by the competent authority as prescribed under the rule 25 of the Railway Servant (Discipline and Appeal) Rules, 1968.

Before going <sup>into</sup> ~~to~~ the merits of the contentions canvassed by Mr Gogia, we feel that the petitioner should be directed to move the competent authority under rule 25. It is very much necessary for the petitioner to exhaust the remedy available to him under relevant Rules, before moving this Tribunal. We therefore hold that the present petition is premature and hence we pass the following order:

"The petitioner is directed to file review application before the competent authority within one month from the date of this order. It is further directed that the respondents/Railway administration, on receipt of such review application shall decide it within a period of three months thereafter.