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Shri Bhupendrabhai J. Upadhyay
Head Booking Clerk,
Chandkheda Railway Station,
Western Railway, Sabarmati,
Ahmedabad.

.. Applicant

Versus

1. Union of India
(Notice to be served through
the General Manager,
Western Railway,
Churchgate, Bombay-400 020.

2. The Divisional Commercial Super-
intendent, Western Railway,
Ahmedabad.

.. Respondents.

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

Hon'ble Mr. P.S. Chaudhuri : Administrative
Member

ORAL ORDER21/4/1989

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

In this application, the petitioner

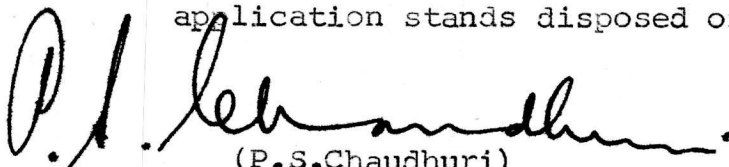
Shri Bhupendrabhai J. Upadhyay has challenged the
validity of the order dated 10/4/1989 whereby ^{the penalty} ~~his~~

^{of} "compulsory retirement" has been imposed upon ^{him} ~~by~~ the
^{In the departmental proceedings held against him.}
Disciplinary Authority. According to Mr. S.K. Bukhari,

the learned counsel for the petitioner, he is still
not served with the said order and even otherwise the
order is without jurisdiction and hence the petitioner
has filed this application without exhausting the remedy
of filing appeal before the appellate authority. In
this regard, he has made an attempt to rely upon the
provisions contained under FR 56 which is not relevant
for the purpose. Admittedly, the impugned order is
appealable under the rules governing the services of
the petitioner.

2. Accordingly, the application cannot be entertained
as the petitioner has not availed of the remedy available
to him for the redressal of his grievance. He is,

therefore at liberty to file an appeal before the
appellate authority and ^{it is directed that} the appellate authority
on receipt of the appeal, ^{shall} ~~filed by him is directed to~~
decide the same by a speaking order within three
months thereafter. ^{While passing this order, Mr. N.S. Sherde for the Respondents is heard.} With this direction, the ~~case~~
application stands disposed of.


(P.S. Chaudhuri)
Administrative Member


(P.M. Joshi)
Judicial Member

a.a.bhatt