

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 ORDER

21/4/1989

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 his "compulsory retirement" has been imposed upon him by the 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
it is directed that
appellate authority and the appellate authority
shall
on receipt of the appeal, ~~filed by him is directed to~~
decide the same by a speaking order within three
while passing this order, Mr. N.S. Sherde for the Respondents
months thereafter. *With this direction, the case is heard*
application stands disposed of.

P.S. Chaudhuri

(P.S. Chaudhuri)
Administrative Member

Joshi

(P.M. Joshi)
Judicial Member

a.a.bhatt