

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No./ 695/93  
T.A. No.

DATE OF DECISION 03-12-1993

Mr. A. S. Agnihotri Petitioner

Mr. Kamendu Acharya Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr. N. S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R. C. Bhatt : Member (J)

The Hon'ble Mr. V. Radhakrishnan : Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

Ashok son of Ramkishor Agnihotri,  
Old Colony, Railway E/219/A,  
Sabarmati,  
AHMEDABAD

: APPLICANT

Advocate : Mr. Kamendu Acharya

versus

1. Union of India,  
through General Manager,  
Western Railway,  
Churchgate,  
BOMBAY
2. The Divisional Railway Manager,  
Western Railway, Baroda Division,  
Baroda, Pratapnagar.
3. The Senior Divisional Commercial Manager,  
Western Railway, Baroda Division,  
Baroda, Pratapnagar.
4. Divisional Commercial Manager,  
Western Railway,  
Ahmedbad

: RESPONDENTS.

Advocate : Mr. N. S. Shevde

ORAL JUDGEMENT

O.A. 695/93

Date: 3-12-93

Per : Hon'ble Shri R.C. Bhatt, Member (J)

Mr. Kamendu Acharya, learned advocate for the applicant. Mr. N. S. Shevde, waives notice and files appearance. The applicant has filed this application under section 19 of the Administrative Tribunals Act, 1985 seeking the reliefs as under :-

- res
- (A) The order No. E-308/Comm/172-90, Annexure A dated 18-10-1993 is illegal, unjust, unconstitutional and, therefore, should be quashed and set aside.

- (B) The order No.E-308/Comm/172-90 dated 18-10-1993,Annexure A is harsh and disproportionate to the gravity of offence and hence should be quashed and set aside.
- (C) The order Annexure A is without any evidence perverse and non application of mind and in violation of principles of natural justice and the speaking is not passed,by the disciplinary authority and hence, illegal,unjust,and,therefore,should be quashed and set aside.
- (D) Any other appropriate order which is required to be issued in the interest of justice. "

2. The applicant has alleged in the application that the applicant is permanent employee of the respondents Railway,that,he was given charge sheet,at Annexure A- dated 18-10-1993, that the inquiry was held against the applicant and the order is given on 20-1-1993, by which the applicant is reverted to three steps down in the same scale for a period of 3 years with a future effect. The applicant has <sup>preferred</sup> ~~prepared~~ an appeal against the said order before the Senior Divisional Commercial Manager, Western Railway, Vadodara, which is pending. The appeal is filed on 18-11-1993. The applicant has prayed for the interim stay of the order before the Appellate Authority as stated before us by learned <sup>and</sup> advocate for the applicant, <sup>and</sup> a copy of which is dated 24-11-1993 at page-36 of this file.

3. Learned advocate ~~for~~ for the applicant submits that as a matter of fact, there is no case against the applicant.

<sup>It is important to note that the party has to exhaust the alternative remedy in view of section 20 of the Administrative Tribunals Act before approaching this Tribunal. The appeal filed by the</sup>

applicant ~~is~~ pending. Mr. Shevde, learned advocate for the respondents submitted that the Appellate Authority can be directed to dispose of the appeal at the earliest, and he can also considered ~~earlier~~ even the prayer of the ~~ap~~ applicant for stay before the disposal of the appeal. Hence, we pass, the following order.

4.

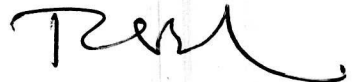
ORDER

The respondent no.3. is directed to dispose of the appeal filed by the appellant on 18-10-1993 within 4 months. He ~~has~~ <sup>is</sup> also directed to consider and decide the application for stay filed by the applicant as early as possible. The application is disposed of. No order as to costs.



( V. RADHAKRISHNAN )  
Administrative Member

Date: 03-12-1993



( R.C. BHATT )  
Judicial Member

Date: 03-12-1993

SSH