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II

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION No.332 OF 1987.

Decided on 26th July, 1989.

Sudam Pradhan, SWM- NKP,  
S/o Bhramarabara Pradhan,  
Village- Panchupalla,  
P.O.Beroboi, P.S.Dolang,  
Dist-Puri.

...                   ...                   Applicant

Versus

1. Union of India through General Manager,  
Railway Board, Garden Reach, Calcutta.
2. Divisional Safety Officer,  
South Eastern Railway,  
Khurda Road, District-Puri.
3. Divisional Railway Manager,  
South Eastern Railway,  
Khurda Road, District-Puri.
4. Sri S.C.Mohanty, Ch.DTI,  
South Eastern Railway,  
Board-cum-Enquiring Officer,  
Khurda Road, District-Puri.
5. Sri K.C.Mohanty, Second Divisional  
Traffic Inspector, South Eastern Railway,  
Bhadrak, District-Balasore.
6. Divisional Mechanical Engineer,  
South Eastern Railway,  
Khurda Road, District-Puri.

....                   Respondents

For Applicant - Mr. S.N.Satpathy

For Respondents - M/s. Bijoy Pal and  
1,2,3 & 6.                   O.N.Ghosh

C O R A M :

HONOURABLE MR. B.R.PATEL, VICE-CHAIRMAN

A N D

HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. Whether the judgment is to be referred to the <sup>no</sup> Reporters or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes.

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JUDGMENT.

B.R. PATEL, VICE-CHAIRMAN. In this application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for orders quashing the order of the competent authority reverting him from the post of Switchman to the lower post of T.P.M.(B) and further to quash the orders of the Divisional Safety Officer dated 2.3.1987 accepting the findings of the Enquiring Officer and <sup>on</sup> inflicting him a penalty of reversion vide Annexure-2.

2. Briefly stated, the facts are that the applicant was working as Switchman at Nirakapur under the Khurda Road Division of South Eastern Railway. A Departmental proceeding was initiated against him on some charges which were duly enquired into and on the basis of the enquiry report, the disciplinary authority held him guilty and imposed a penalty of reversion as stated above. It is against this order that this application is filed before this Bench for the above reliefs.

3. Mr. B.Pal, learned Senior Standing Counsel for the Railway Administration has raised a preliminary objection on the ground that no appeal has been made by the applicant against the order passed by the disciplinary authority imposing penalty of reversion and as such the application

*B.Pal*

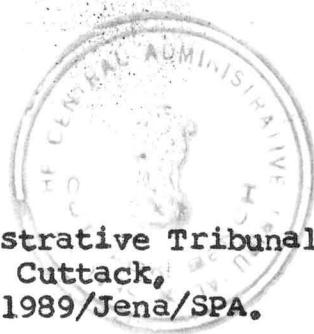
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is not entertainable. Mr. S.N. Satpathy, learned counsel for the applicant, on the other hand, submitted that he be given time to prefer appeal before the competent authority. Under Section 20 of the Administrative Tribunals Act, 1985, we cannot entertain an application unless the departmental remedies available have been availed of. We would, therefore, direct that the applicant should file an appeal before the competent authority within two months from today and on such appeal being filed, the period of limitation prescribed under the rules in preferring an appeal should be deemed to have been condoned.

4. The application is accordingly disposed of, leaving the parties to bear their own costs.

*Banerjee* ..... 26.7.89  
Vice-Chairman.

N. SENGUPTA, MEMBER (JUDICIAL) I agree.



*N. Sengupta* ..... 26.7.89  
Member (Judicial).

Central Administrative Tribunal,  
Cuttack Bench, Cuttack,  
The 26th July, 1989/Jena/SPA.