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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.300 of 1988

Date of decision : December 23, 1988.

R.J.Rao, Diesel Driver, Assistant of
LOCO Shed, Bhadrak, S.E.Railways,
Bhadrak, District- Balasore. ... Applicant.

Versus

1. Union of India,
represented by the Secretary to
Govt. of India, Ministry of Railways,
New Delhi.
2. The Divisional Rly Manager, (Mechanical),
S.E.Rly, Khurda Road, Dist-Puri.
3. Sri Sanjay Gupta,
The Asst. Mechanical Engineer-II,
S.E.Rly, Khurda Road, Puri.
4. The Divisional Engineer (Mechanical),
S.E.Rly, Khurda Road, Puri.

... Respondents.

For the applicant : M/s. Devanand Misra,
Deepak Misra, R.N.Naik,
A.Deo, R.N.Hota,
R.N.Sutar, S.C.Sahoo,
S.Muduli, Advocates.

For the respondents : Mr.Ashok Mohanty, Standing Counsel
(Railways)

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed
to see the judgment ? Yes.
2. To be referred to the Reporters or not ? NO
3. Whether Their Lordships wish to see the fair copy
of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the order of punishment passed by the competent authority in a departmental proceeding.

2. Shortly stated, the case of the applicant is that he is a Diesel Driver Assistant and while he was driving the Goods train on 20.10.1987 he met with an accident near Haridaspur Railway Station. Hence a departmental proceeding was initiated against him and he has been ultimately punished being reverted to the next lower post. Hence, this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the application has been prematurely filed before this Bench and Section 20 of the Administrative Tribunals Act, 1985, would operate as a bar because the applicant has not exhausted other remedies available to him. On merits of the case, it is maintained by the respondents that this case being a full proof evidence in no circumstance the order of punishment should be set aside especially when the competent authority has been very lenient on the quantum of punishment.

4. We have heard Mr. R.N. Naik, learned counsel for the applicant and Mr. Ashok Mohanty, learned Standing Counsel appearing for the Railway Administration at some length. We find that the applicant without approaching the appellate authority has directly come to this Tribunal and we find there is considerable force in the contention

of Mr. Ashok Mohanty that Section 20 would be a bar to hear this case on merits. In view of the aforesaid facts and circumstances, we would direct that the applicant should file an appeal before the competent authority within one month from today and we do hereby condone the delay which has occurred in filing of the appeal because within the period of limitation the applicant had come up before this Bench challenging the order of punishment. Hence the applicant was pursuing his case in good faith and therefore, we do hereby condone the delay and direct that if any appeal is filed, the appellate authority should dispose of the same within two months from the date of filing of the appeal and thereafter if the applicant feels aggrieved, we do hereby grant leave to the applicant to approach this Tribunal.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

Agreed
23.12.88
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

9 agree.

Maru
23.12.88
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 23.1988/S.Sarangi.