

Order dated 27.1.2004

Heard Shri A.K.Mishra, learned counsel for the applicant and Shri D.N.Mishra, learned counsel appearing on behalf of the Respondents-Railways.

Having been removed from service on account of a departmental proceedings, the applicant had preferred an appeal unsuccessfully. Thereafter, he has filed the present O.A. under Section 19 of the A.T.Act, 1985. It is the case of the applicant that since he was facing a criminal proceedings simultaneously on the same ~~set~~ set of charges, he wanted to exercise his right of silence in the departmental proceedings, which was denied to him. It has been pointed out by Shri D.N.Mishra, learned counsel for the Railways that the applicant had an opportunity to redress his grievance before the revisional authority, by filing a revision, which he has not done.

Having heard the learned counsel of both the sides, we are of the opinion that the applicant ought to have preferred a revision for redressal of his grievance. At this stage, Shri A.K.Mishra, the learned counsel for the applicant filed a Memorandum stating that "the petitioner has not filed a revision before the revisional authority, i.e., Chief Commercial Manager of S.E.Railways and hence he may be permitted to file a revision before the Revisional Authority".

In the above stated premises, the applicant is permitted to withdraw this O.A.(O.A.No.450/99). While such permission is granted, liberty is also granted to the applicant to prefer a revision before the revisional authority and, if such a revision is filed by the applicant by 15.2.2004, the revisional authority should consider the same ^{on merit,} within a period of four months, i.e., by 15.6.2004.

With the aforesaid observation and direction, this O.A. is disposed of as withdrawn. No costs.

Jabant
MEMBER (JUDICIAL)

[Signature]
MEMBER (ADMINISTRATIVE)

*Copy of order
made sent to
the court to have*

16.2.04

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