

NOTES OF THE REGISTRY

Full copies of
order dated 26.7.02
may be handed
over to counsel
for both sides.

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So.

ORDERS OF THE TRIBUNAL

Order dated 26.07.2002

Heard Shri M.K.Khuntia, Advocate for the Applicant and Shri R.C.Rath, Addl.Standing Counsel for the Railways and also perused the pleadings placed in the O.A., counter and the rejoinder.

Applicant has faced a major penalty proceedings wherein the inquiry report was drawn and served on the Applicant along with the views of the Disciplinary Authority. He was given liberty to have his say in the matter; ~~but~~ which he did vide Annexure-1 to the O.A..After taking into consideration all the materials placed on record, the Disciplinary Authority passed orders vide Annexures - 2 and 2/1 dated 29.10.2001, imposing the following penalty:-

"Withheld increments for a period of 24 months w.e.f. the date when it will be otherwise due." ~~On informing the applicant~~
~~xxx~~

Upon informing the aforesaid punishment, the Applicant was clearly intimated in writing that the appeal against the penalty lies with Sr.DCM/KUR within a period of 45 days from the date of receipt of the order dated 29.10.2001. Despite that, without preferring any appeal, the Applicant had rushed to this Tribunal, with the present O.A., on 15.1.2002 and, on 17.1.2002, the O.A. was taken up and notices were directed to be issued to Respondents. In this case, an elaborate counter has been filed explaining that all the procedures were followed in the disciplinary proceedings in question. On receipt of the said counter, the Applicant had filed a rejoinder; which is available on record.

Having heard the counsel for both sides, I have found no reason to interfere with the punishment imposed on the Applicant. At this stage, the Advocate for the Applicants craves leave of the Tribunal to prefer an appeal; which was available to the Applicant, to be filed, latest by December, 2001.

In the said premises, this O.A. is disposed of with direction that Applicant, if so advised, may file appeal against the aforesaid order of punishment and, in the event such an appeal is preferred, the Appellate Authority shall consider his case on merits, for which no opinion is herein expressed.

The O.A. is disposed-of as above. NO costs.

In view of disposal of the O.A. , M.A.565/02 is disposed of accordingly.


MEMBER (JUDICIAL)