

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

12.5.04

Heard in part.  
Call on 14.5.04 for  
further hearing.

H. B. D.  
Member (A)

Computer typed. Copy  
served.

For further orders.

Bench

My  
Copy

For admissions and  
hearing.

Bench

My  
Copy

For admissions and  
hearing.

(Part- heard)

Bench

My  
Copy

For admissions and  
hearing.

(Part- heard)

My Copy Bench

14.5.04

Heard the learned counsel  
for the parties at length. The counsel  
for the applicant sought about 5 days  
time to take instructions from his  
client in regard to the appeal filed  
by him and also to bring before this  
court the judgments of appropriate  
courts which have bearing on the  
instant case. Counsel for the  
respondent has no objection.  
Hence, in the interest of justice  
the matter is adjourned to 19.5.04.

H. B. D.  
Member (A)

Order dated 19.5.2004

Applicant working as Chief Booking  
Supervisor under S.E.Railway at Jajpur is  
before the Tribunal challenging the validity  
of Annexure-6, by virtue of which minor  
penalty of reduction of pay by two stages for  
a period of two years without cumulative effect  
was imposed. The charge memo (Annexure-A/4)  
containing the imputations of charge framed  
against the applicant reads as under :-

"That the said Shri N. Pal, CBS/BBS  
while working as such in Returns  
Section/BBS in the year 1998 and 1999  
committed serious misconduct as  
under :-"

During the course of scrutiny of records of CBS>Returns BBS by the II Vig(SS)Rly, Board on 23.8.99, it was found that the returns of PCT, BPT, EFT, HOR, Govt. Passenger, Ref nds, Spl, tickets, Take Table etc. as well as balance sheet for the period from Dec '1998 till Vigilance check on 23.8.99 had not been submitted and also classification had not been prepared for the said period. Thus, as a supervisor he is charged with gross negligence in his duties and slack supervision of Returns Section/BBS.

By his above act Shri N.Pal has failed to maintain devotion to duty and thereby made himself liable for disciplinary action under R.S. D&A Rule 1968 as amended from time to time".

The applicant, I find, has not exhausted the departmental remedy available to him under the relevant service rules. Annexure -6 itself had allowed him 45 days from the date of receipt of that order for filing appeal. The applicant claims to have preferred appeal vide Annexure-A/8 which had not been received, as submitted by the respondents, in their counter. Evidently the applicant has not resorted to appeal provision as available to him under the relevant service rules. The learned counsel for the Respondents also strenuously argued for submission of appeal, if any, by the applicant at this belated stage.

Having regard to the facts and circumstances and the submissions made by the learned counsel of both the sides, in the interest of justice, I consider it necessary that the applicant should now be granted an opportunity to prefer an appeal even at this belated stage and accordingly, I direct the applicant to prefer an appeal within a period

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of two weeks from this day forth to the authority competent in this regard and on receipt of such appeal, the concerned authority (Respondents-Department) shall deal with the appeal in accordance with rules governing the field and pass a reasoned order within a period of eight weeks from the date of receipt of such an appeal from the applicant.

With the above observation and direction, the O.A. is closed. No costs.

K. B. D.  
( H.P. DAS )  
MEMBER (ADMINISTRATIVE )

Copy of order dt. 19/5/1954  
issued to the counsel  
for both sides.

M  
26/5/1954