

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

On. 21.7.2004

For admission  
Final disposal.

Final

On. 28.1.2004

For final hearing.

Final

On. 20.2.2004

Copies of order  
prepared for Counsel  
both sides.

W.M.

Order dated 28.01.04

Learned Counsel  
for the applicant is  
on accommodation. In  
this view of the facts  
call it for final hearing  
on 02.02.04.

Member A)

Order dated 20.2.2004

None appeared for the applicant  
nor the applicant in person did appear when  
called. There has also been no request made  
on behalf of the applicant seeking any  
adjournment. However, Shri R.C.Rath, learned  
Standing Counsel was present and with his  
aid and assistance I have perused the  
materials placed on records and also heard  
him.

The case of the applicant in nut-shell  
is that the applicant, while working as J.E.,  
Wireless Office, Khurda was chargesheeted  
under Rule-II of Railway Servants (Discipline  
and Appeal) Rules, 1968 in respect of alleged  
misconduct on 12.9.2001 and 18.9.2001. The  
applicant submitted his explanation to the  
said charges on 20.9.2001 and after due  
consideration of the same, the disciplinary

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authority, i.e., D.S.T.E., Microwage, S.E. Railway, Waltaire imposed on him the penalty of stoppage of two passes for the Calendar Year 2002. Aggrieved by this order of the disciplinary authority, he had filed an appeal dated 17.2.2002, which as the applicant has stated in this O.A. has not yet been disposed of. He has also alleged that the aforesaid charges were levelled against him out of bias and prejudice.

The Respondents by filing a detailed counter have opposed the application on all counts. They have given the instance of behaviour on the part of the applicant which is unbecoming of a railway servant and the manner in which he had disrupted the smooth and safe functioning of the railway system. The Respondents have also denied that there has been any delay in disposal of his appeal nor the same is in any way attributable to the administration, because, the applicant had not addressed his appeal to the authority competent to deal with the appeal. In addition obfuscated the matter by endorsing copies of reply and also the copies of the charge-sheets to S.E.Railway Mens Union, Khurda Road and to some other authorities.

On a careful perusal of the records and in consideration of submissions made by the learned Standing Counsel, it is clear that the applicant has not submitted his appeal to the authority competent, which stood in the way of its disposal. It has also been

pointed out that the applicant has endorsed copies of his appeal letter to other authorities, viz., CCE/SE Railway/Sr.DPO/Waltaire, Divisional Railway Manager Waltaire and Railway Mens Union. This action on the part of the applicant is uncalled for and by no stretch of imagination he can stay away from the procedure that is required to be followed up in disciplinary matters under Railway Servants (Discipline & Appeal) Rules, 1968, strictly.

Having regard to the facts and circumstances of the case, I feel that it would be sufficient at this stage if this O.A. is disposed of by giving a direction to the Respondents to advise the applicant the authority to him his appeal should be addressed and also to ask him to submit appeal, if any, as advised, within a period of 45 days from the date of receipt of such advice/communication by the applicant.

Ordered accordingly.

With the above direction, the O.A. is disposed of. No costs.

  
John  
VICE-CHAIRMAN 72