

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>On 28.7.04 for admission final disposal. Bund On 28.1.04 for final hearing. Bund</p>	<p><u>Order dated 28.01-04</u> Learned Counsel for the Applicant is on accommodations. In this view of the matter call it for final hearing on 06.02.04. M. G. (A)</p>
<p>On 20.2.04 Copies of order prepared for Counsel both side. V. J.</p>	<p><u>Order dated 20.2.2004</u> 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</p>

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authority, i.e., D.S.T.E., Microwage, S.E. Railway, Waltair 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

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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.

  
VICE-CHAIRMAN 20/2