

O.A.NO.386/09

Order dated 28.8.2009

Heard Shri B.S.Tripathy, learned counsel for the applicant and Shri S.K.Ojha, learned Standing Counsel appearing on behalf of the Railways on the question of admission.

2. The applicant in this Original Application has prayed for quashing the punishment of reducing his pay in one stage vide Annexure-A/5 dated 14./16.07.2009 consequent upon a disciplinary proceedings. From a perusal of the records, it reveals that the applicant without preferring statutory appeal against the order of punishment, in a cut and dry method, has approached this Tribunal and as such, the O.A. in its present form is not maintainable. It appears that the applicant was required to file appeal within a period of 45 days from the date of receipt of Annexure-A/5, and in

~~the meantime, more than two months have elapsed.~~

3. Having regard to the above, I am of the considered view that the applicant should be given an opportunity to avail of statutory remedy available to him under the relevant service rules. In the circumstances, the applicant is directed to prefer an appeal against the order of punishment within a week hence and in the event such an appeal is filed and received, the Appellate Authority shall dispose of the same by passing a reasoned order, within a period of thirty days from the date of receipt of such appeal.

4. With the above observation and direction, this Original Application is disposed of at the stage of admission. No costs.


ADMINISTRATIVE MEMBER