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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00276 of 2015
Cuttack, this the 20th day of May, 2015

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Umesh Kumar Ramani, Junior Engineer,
S/o Rajendra Mani, Qr. No. A-46/2,
At/PO- Railway Colony, Rourkela, Dist- Sundargarh,
Permanently resident at Ganganagar,
PO. Lantibahal, PS. Brajarajnagar, Dist. Jharsuguda.

...Applicant

(Advocates: M/s. D.K.Pattnaik, S.K.Mishra)

VERSUS

1. Department of Railway
Represented by its Divisional Railway Manager (DRM),
S.E.Railway, AT/PO- Chakradharpur,
Dist- West Singhbhum, Jharkhand.
2. Sr. Divisional Personnel Officer,
S.E.Railway, AT/PO- Chakradharpur,
Dist- West Singhbhum, Jharkhand.
3. Sr. Divisional Electrical Engineer and
Disciplinary Authority, S.E.Railway, AT/PO- Chakradharpur,
Dist- West Singhbhum, Jharkhand.
4. Head of Branch,
Superintendent of Police,
D.S.P.E.: CBI, SEB, Ranchi,
Central Bureau of Investigation,
Govt. of India, Anti Corruption Branch,
2, BootyRoad, Ranchi-834008, Jharkhand,
5. Union of India Represented through
G.M., S.E.Railway, Garden Reach,
Kolkata-43.

... Respondents

(Advocate: Mr. T. Rath)

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ORDER (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. D.N.Pattnaik, Ld. Counsel for the Applicant, and Mr. T.Rath, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondent-Railways, on whom a copy of this O.A. has already been served, and perused the materials placed on record.


2. Sri Pattnaik submitted that vide order dated 10.04.2015 the Sr. DEE being the Disciplinary Authority has terminated the service of the applicant based on the report of the CBI to the effect that the applicant had produced a false Caste Certificate for securing the employment. Mr. Pattnaik submitted that the applicant has filed a representation to the ²Sr. Divisional Personnel Officer (Electrical), S.E.Railway, Chakradharpur, for reconsideration of the order of termination. On the other hand, Mr. Rath clarified that the post of Sr. Divisional Personnel Officer (Electrical) does not exist in the S.E.Railway, Chakradharpur, and, therefore, the representation stated to have been submitted has not been submitted to the proper authority.

3. I have considered the rival submissions. I find that the order dated 10.04.2015 (Annexure-A/1) has been passed by the Sr. DEE, Chakradharpur, being the Disciplinary Authority and this order having been passed on 10.04.2015 the applicant has adequate scope to file representation to the Appellate Authority against the order of termination. Since he has approached the Tribunal without preferring an appeal, and thus without exhausting the departmental remedies, I am not inclined to admit this O.A. However, if so advised, the applicant is at liberty to prefer an appeal to the Appellate Authority against the order of termination and in such eventuality the Appellate Authority shall consider the same and pass appropriate orders in accordance with the rules.



4. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

5. Free copies of this order be made over to the Ld. Counsels for the sides.


(R.C.MISRA)
MEMBER(Admn.)

