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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

O.A. No. 204/2001

Date of decision: 21.3.2002

Akeel Mohammed Nayak son of Shri Ishag Mohammed, aged about 33 years, resident of 82, Kumharwara, Near Sabji Mandi, Udaipur, at present employed on the post of Asstt. Station Master Umra, Distt. Udaipur, Western Railway.

...Applicant.

V E R S U S

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer.
3. Divisional Safety Officer, Western Railway, Ajmer Division, Ajmer.
4. Divisional Operating Manager, Western Railway, Ajmer Division, Ajmer.

...Respondents.

Mr. B. Khan, counsel for the applicant.

Mr. S.S. Vyas, counsel for the respondents.

C O R A M :

Hon'ble Mr. Justice O.P. Garg, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :

By means of this Original Application under Section 19 of the Administrative Tribunals Act, 1985 the applicant has challenged the competence of the Divisional Safety Officer to serve the charge-sheet.

.. 2 ..

[Signature]

2. Heard the learned counsel for the parties. The learned counsel for the respondents pointed out that a minor punishment has been inflicted after the completion of the enquiry on the applicant by order dated 17.5.1999. A copy of this order has been brought on record as Annexure R/2 to the reply of the respondents.

3. The learned counsel for the applicant urged that the applicant was totally unaware of the order of punishment as it was never communicated to him. He pointed out that since the applicant has an alternative departmental remedy of file an appeal, this Original Application may be disposed of with the direction that the appeal which may be filed by the applicant may be disposed of by a speaking order. The learned counsel for the respondents could not show as to when the order of punishment was communicated to the applicant.

4. The applicant can approach this Court only ~~after~~ ^{after} exhaustion of the departmental remedies. Since an order of punishment has already been passed, the relief claimed by the applicant in the Original Application does not survive.

5. We therefore finally dispose of this O.A. with the direction that in case the applicant files an appeal within a period of 30 days from today against the order of minor penalty as indicated in Annexure R/2, the appellate authority shall decide the same on merits by a speaking order within a period of 3 months to be reckoned from the date of the receipt of the appeal. It is made clear that the appeal of the applicant shall not be rejected on the technical ground that it was beyond the period of limitation.

Gopal Singh
(Gopal Singh)
Adm. Member

Justice O.P. Garg
(Justice O.P. Garg)
Vice Chairman

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RT
H1110
12/12/87

Part II and III destroyed
in my presence on 9.7.87
under the supervision of
Section Officer (Recd)
order dated 14/12/87

Section Officer (Recd)