

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

No. O.A. 1041 OF 1997

Date of Order: 20.02.2006

PRESENT: HON'BLE MR. B.N. SOM, VICE-CHAIRMAN
HON'BLE MR. B.V. RAO, JUDICIAL MEMBER

GOPAL KRISHNA DAS

VS.

UNION OF INDIA AND ORS. (S.E. RLY.)

For the Applicant : Mr. B.C. Sinha, Counsel

For the Respondents : Mr. S. Choudhury, Counsel

ORDER

PER MR. B.N. SOM, V.C.:

The applicant, Sri Gopal Krishna Das has come in this O.A. being aggrieved by the notice for enhancement of penalty under Rule 25 of RS (D&A) Rules – 1968 dated 2.9.97 issued by Addl. Divl. Railway Manager, S.E. Rly., Kharagpur. The grievance of the applicant in a nutshell is that the authority i.e. the Addl. Divl. Railway Manager, who issued notice to the applicant has no authority to enhance the penalty under rule 25 of RS (D &A) Rules – 1968 as an appellate authority. It is also submitted by the ld. counsel for the applicant that no appeal has been filed by him before against the order of the disciplinary authority dated 25.4.97 (Annexure-A/3).

2. The facts of the case as revealed from the application and also having regard to the submissions made by the ld. counsel for the respondents, the applicant was given notice under Rule 25 of RS(D &A) Rules – 1968 to make representation, if any, and he was given time also for that purpose to say whatever he has to say against the proposed action. In other words, liberty was given to the applicant by order dated 2.9.97 to make his submission before the competent authority regarding the proposed action under rule 25 of RS (D &A) Rules- 1968. Instead of making his position clear before the competent authority, the applicant has rushed to the Tribunal through this O.A. which is not permissible. Mere existence of grievance is not enough to rush to the Tribunal before exhausting the departmental remedies available in this regard. That apart, in the matters of discipline, the Court/Tribunals have limited scope and surely far less limited scope at the interlocutory stage.

3. Having regard to the above position of law and having regard to the reply filed by the respondents, it would suffice if the O.A. is disposed of at the stage of admission by

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giving a direction to the applicant to make his submission/representation in defence of his case before the competent authority in reply to the notice dated 2.9.97 (Annexure-A/4) within a period of 60 days from the date of receipt of this order.

4. With the above direction, this O.A. is disposed of. No costs. Interim order stands vacated.


MEMBER (J)


VICE-CHAIRMAN

asvs.