

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.453 of 1994

Monday this the 13th day of February, 1995.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

P. Francis,
Pointsman I, Southern Railway,
Station Master Office,
Kappil Railway Station,
Edava, Trivandrum. ... Applicant

(By Advocate Mr. P.V. Baby)

vs.

1. Union of India, represented by
General Manager,
Southern Railway,
Madras.
2. The Divisional Operating Manager,
Southern Railway, Trivandrum.
3. The Divisional Safety Officer,
Southern Railway, Trivandrum.
4. The Divisional Personnel Officer,
Southern Railway, Trivandrum. ... Respondents
(No representation for respondents)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

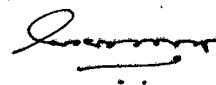
It is said that applicant lost his equanimity of mind, consequent on a vasectomy operation failure.

Due to a distressed state of mind, he reported for duty without uniform and he was turned away on 7.12.91, states applicant. It took him three months to come back.

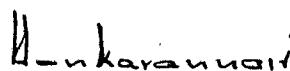
and report for duty on 19.3.92. On that score disciplinary proceedings were initiated, a penalty was imposed and that is under appeal. Meanwhile A9 order was passed, allegedly cancelling an earlier order regularising the period of absence. If applicant is aggrieved by A9, he must seek the appellate remedy available to him and there is no justification for invoking the jurisdiction of this Tribunal.

2. We dismiss the application with freedom to applicant to challenge A9 before an authority above 4th respondent. He may do so and seek redress. No costs.

Dated the 13th day of February, 1995.



S.P. BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of annexure

Annexure A.9: True copy of impugned order
No.V/P.483 dtd. 5.1.94 issued by the
Divisional Personnel officer, Southern
Railway, Trivandrum to the applicant (R4)