

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.456/09

Friday this the 10th day of July 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

B.Gopinath,
Ex Catering Supervisor/I, Kerala Express,
Southern Railway, Trivandrum.
Residing at Chennampallil House,
Moolavattom PO, Kottayam.

...Applicant

(By Advocate Mr.M.P.Varkey)

Versus

1. Union of India represented by General Manager,
Southern Railway, Chennai – 600 003.
2. Additional Divisional Railway Manager,
Southern Railway, Trivandrum – 695 014.
3. Divisional Railway Manager,
Southern Railway, Trivandrum – 695 014.

...Respondents

(By Advocate Ms.P.K.Nandini)

This application having been heard on 10th July 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 aggrieved by the Annexure A-3 order dated 20.4.2009 issued by the Divisional Railway Manager, Trivandrum reducing the penalty of compulsory retirement from service with effect from 10.3.2004 imposed by ADRM vide V/VO/T/FR/65/2000 dated 3.3.2004 and confirmed by CCM to that of reduction to lower grade as CSIII in scale Rs.5200-20200 with grade pay Rs.2000/- for a period of

.2.

10 years with recurring effect and loss of seniority. Counsel for the applicant submitted that the Divisional Railway Manager has no jurisdiction to pass the impugned Annexure A-3 order and the Disciplinary Authority's order does not contain the name of the authority to which the appeal has to be filed.

2. Counsel for the respondents submitted that this case is pre mature in as much as the applicant has not availed the statutory remedy of appeal available to him.

3. We have heard the counsel for the parties. Even though the designation of the Appellate Authority has not been mentioned in the Annexure A-3 order, as every other employees, the applicant is also expected to be aware of the authority to which an appeal has to be filed against the Disciplinary Authority's order. We, therefore, direct the applicant to file the statutory appeal against the Annexure A-3 order, if so advised, and if such an appeal is filed, the Appellate Authority shall consider the same and dispose of it within a period of three months from the date of receipt of a copy of the said appeal. The OA is disposed of accordingly. There shall be no order as to costs.

(Dated this the 10th day of July 2009)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER

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GEORGE PARACKEN
JUDICIAL MEMBER