

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

OA 119/2001

Wednesday this, the 31st of January, 2001.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Zebu Mathew,
aged 33 years, S/o V.M. Mathai,
Enquiry-cum-Reservation Clerk,
Southern Railway, Ernakulam,
residing at Malathettu, Near MOC,
Manganam P.O., Kottayam.

...Applicant

By Advocate Mr. P. Ramakrishnan

Vs

1. Union of India,
represented by General Manager,
Southern Railway,
Chennai.
2. The Senior Divisional Commercial Officer,
Southern Railway,
Divisional Office,
Trivandrum.
3. Shri Joseph C. Raj Kumar,
Enquiry Inspector/Grade I,
Southern Railway,
Head Quarters Office,
Chennai-3.
4. Additional Divisional Railway Manager,
Southern Railway,
Trivandrum.Respondents

By Advocate Mrs. Sumathi Dandapani

The application having been heard on 31.1.2001, the Tribunal delivered the following on the same day.

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

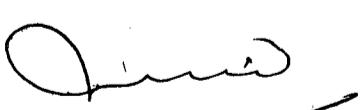
The applicant, an Enquiry-cum-Reservation Clerk, Southern Railway, Ernakulam has filed this OA under Section 19 of the CAT Act, 1985 challenging the validity, propriety and correctness of the impugned order dated 23.1.2001 Annexure A-1

of the 2nd respondent imposing on him a penalty of removal from service after holding an inquiry against him and also Annexure A-7 report of the enquiry on the basis of which the penalty has been imposed on him.

2. The applicant has taken various grounds to assail the impugned order including the incompetence of the authority to issue the order of removal from service and also the perversity of the findings. However, the counsel for the applicant submits that the applicant has not exhausted departmental remedies available to him for the reason that the applicant would be without job if the impugned order is given effect to. Therefore immediately on receipt of the impugned order and before his services are actually terminated, the applicant has filed this application.

3. The learned counsel for respondents fairly agreed that if the applicant files an appeal, the same would be disposed of without undue delay and that this application may be disposed of with appropriate direction in that regard. In the light of the above submission and in the circumstances of the case, without entering into the merits of the case, we dispose of the application permitting the applicant to file an appeal before the Appellate Authority within a week and directing the respondent No.1 that the appeal shall be got disposed of as expeditiously as possible and not later than two months from the receipt of the appeal by the Appellant Authority. There is no order as to costs.

This 31st day of January, 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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A.V.H. HARIDASAN
VICE CHAIRMAN

Annexures referred to in this Order :

A-1: True copy of penalty advice No.V/V0/T/FR/99/99 dated 23.1.2001 issued by the 2nd respondent.

A-7: True copy of report of the 3rd Respondent-Enquiry Officer dated 5.7.2000.