

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 458/2011

This the 14th day of November, 2011

Hon'ble Sri Justice Alok Kumar Singh, Member (J)

Hon'ble Sri S.P.Singh , Member (A)

Udai Narain Shukla aged about 52 years son of Shree Narain Shukla resident of Badshah Nagar, Railway Colony, Lucknow working in the office of Assistant Superintendent Divisional Engineer, Lucknow.

Applicant

By Advocate: Sri B.K. Mishra

Versus

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, NE Railway, Lucknow.
3. Senior Divisional Manager/ Samanvya, Office of Divisional Railway Manager, NE Railway, Lucknow.

Respondents

By Advocate: Sri Rajendra Singh

ORDER (Dictated in Open Court)

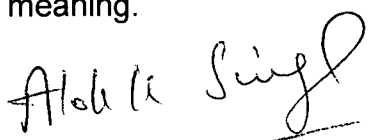
BY HON'BLE SHRI JUSTICE ALOK KUMAR SINGH, MEMBER (J)

Heard.

2. From the side of the respondents, preliminary objection was raised regarding maintainability of this O.A. on the ground that the applicant has not filed any written statement of his defence within 10 days of the service of the charge sheet in question as provided under Rule 9(vii) of Railway Servants (Disciplinary and Appeal) Rules, 1968. The charge sheet in question is dated 29.4.2010. Concededly, no written statement has been submitted as yet within the aforesaid stipulated time. Instead , the applicant rushed to this Tribunal after a gap of about more than a year. In view of the above, this OA. is dismissed on the ground that alternative remedy has not been exhausted and the above rules have not been complied . No order as to costs.

3. At this stage, learned counsel for applicant requests that it may be dismissed as not pressed. This submission has no meaning.


(S.P.Singh)
Member (A)


(Justice Alok Kumar Singh)
Member (J)

HLS/-