

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

O.A. NO:193/2008

Lucknow this, the 28th day of May 2008.

**Hon'ble Mr. M. Kanthaiah, Member (J)
Hon'ble Mr. Shailendra Pandey, Member (A)**

Uma Shanker, aged about 53 years, son of late Ram Pyarey, resident of T-58 B, Railway Semra Colony, Bargaon, Gonda.

By Advocate: Sri M.G. Misra.

Applicant.

Versus

1. Union of India, through Secretary Ministry of Railways, New Delhi.
2. General Manager, North Eastern Railway, Gorakhpur.
3. Divisional Railway Manager, North Eastern Railway, Ashok Marg, Lucknow.
4. Senior Divisional Commercial Manager, North Eastern Railway, Ashok Marg, Lucknow.

Respondents.

BY Advocate: Sri N.K. Agarwal

Order (Oral)

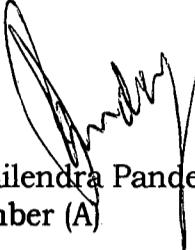
By Hon'ble Mr. M. Kanthaiah, Member (J):

The applicant has filed the original application for quashing the impugned major penalty Memorandum dated 1.4.2008 Annexure 1 stating that the disciplinary authority has not proposed the quantum of punishment and also enquiry report dated 29.11.2007 Annexure 2. At this stage, the learned counsel for the respondents raised preliminary objection stating that without exhausting the departmental remedy, i.e. appeal, it is not open to the applicant to approach the Tribunal. Since, there is a provision for departmental appeal against the orders of the disciplinary authority and as such, it is the duty of the applicant to exhaust the departmental remedy before approaching the Tribunal and as such, objection is justified.

2. In the above circumstances, and for fair and just disposal of the matter, the O.A. is disposed of with a direction to the applicant to submit his

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notice dated 1.4.2008 which is covered under Annexure No. 1 and 2 to the Appellate Authority within a period of 15 days from this date along with copy of this order and upon which the authority is directed to dispose of the same within one month thereon. No costs.


(Shailendra Pandey)
Member (A)


(M. Kanthaiah)
Member (J)
28.05.2008

v.