

**Central Administrative Tribunal
Lucknow Bench**

OA No.109/2009

Lucknow this the 17th day of March, 2009.

**Hon'ble Mr. Shanker Raju, Member (J)
Hon'ble Dr. (Mrs.) Veena Chhotray, Member (A)**

Prakash Chandra aged about 59 years S/o Sri Lautu Ram, R/o 556/75/GA/3, Sujanpur Alambagh, Lucknow.

-Applicant

(By Advocate Shri A. Moin)

Versus

Union of India through:

1. General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Works Manager, Northern Railway, Loco Workshop Charbagh, Lucknow.
3. Deputy Chief Mechanical Engineer (Works), Northern Railway Loco Workshop Lucknow.

-Respondents

(By Advocate Shri N.K. Aggarwal)

O R D E R (ORAL)

Mr. Shanker Raju, Member (J):

Heard the learned counsel for the parties.

2. Applicant has impugned respondents' order dated 3.3.2009 whereby apart from a penalty of reduction to one stage lower in the grade, recovery of Rs.5 lakhs has been imposed upon him. This combined major and minor penalties, which has been held to be illegal by the Apex Court in **Union of India v. S.C. Parashar**, 2006 AIR SCW 307. However, we find that without exhausting the remedy of appeal available to applicant under Rule 22 of the

Railway Servants (Discipline & Appeal) Rules, 1968 applicant has approached this Tribunal, which contravenes Section 20 of the Administrative Tribunals Act, 1985.

3. This OA is disposed of after hearing both the parties with an observation that in case applicant prefers an appeal within the stipulated period, which is available to him, the appellate authority shall consider the same and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. Till then the minor penalty of recovery imposed upon applicant shall be kept in abeyance till a final order is passed. No costs.

Chhotray

(Dr. Veena Chhotray)
Member (A)

S. Raju

(Shanker Raju)
Member (J)

'San.'

*Copy forwarded
Raju 27/3/09
P. 263/09*