

interalia on the grounds that the orders were passed by authority who is not the appointing authority and that the orders are in violation of section 12 of the Probation of Offenders Act, 1958.

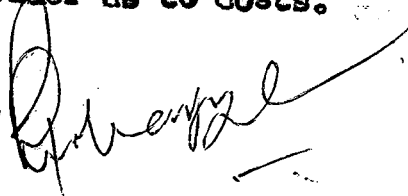
3. We have given our serious consideration to the comments made in the claim petition and also to the submissions of the learned counsel. The impugned order which is under challenge is an order passed under Rule 3(vi) of Railway Servants (Discipline & Appeal) Rules, 1968. In para 2 of the order it is indicated that the appeal against these orders lie to Dy. C.M.O./Loco, provided it is preferred within 45 days. The applicant has admittedly not preferred an appeal against the order of removal passed in the disciplinary proceedings. Under section 20 of the Administrative Tribunals Act, it is laid down that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant has availed of all the remedies available to him under the relevant service rules as to redressal of grievance. The applicant has not exhausted the statutory departmental remedy available to him. In these circumstances, we consider that the application before us is premature and hence it is rejected at the admission stage itself, with liberty to the applicant to make a statutory appeal before the competent authority within a period of two weeks from the date of receipt of copy of this judgment. If the appeal is filed the competent authority shall consider and

*[Signature]*

pass final order therein within a period of 0 weeks  
from the date of receipt of the appeal alongwith a  
copy of this judgment without raising the plea of  
limitation against the impugned punishment order.

No order as to costs.

A.M.

  
V.C.

Shakcel/

Lucknow Dt. 28-6-91.