

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
C.A. No.727 of 1995

Date of order 25.10.2000

Mahabir Sonar, son of late Rewa Sonar, Porter I.L.Siding,
Gomia Station, E.Rly, residing at Chhotki Saria, PO and
PS Saria, District Giridih.

.. Applicant

-versus-

1. Union of India through the Secretary to the Ministry of Railways, New Delhi.
2. E.Rly, through its G.M. 17, Netaji Subhas Road, Calcutta-1.
3. The D.R.M., E.Rly., Dhanbad.
4. Senior D.P.O., E.Rly, Dhanbad.
5. Senior Divisional Operating Supdt., E.Rly, Dhanbad.
6. Station Supdt., Gomia, E.Rly, Gomia.
7. The Assistant Operation Manager, E.Rly, Dhanbad.

.. Respondents

Counsel for the applicant ..Mr. K.Banerjee.

Counsel for the respondents ..Mr. S.Singh.

CORAM: Hon'ble Mr. Justice S.Narayan, Vice-Chairman
Hon'ble Mr. L.R.K.Prasad, Member (A)

ORDER
(DICTATED IN OPEN COURT)

S.Narayan, vice-Chairman:-

The applicant (Mahabir Sonar), an employee under the Eastern Railway, has been removed from service by way of punishment, as a result of the disciplinary proceeding initiated against him, and the order, as such, being dated 29.5.1998 passed by the Disciplinary Authority ~~came up~~ only when the instant O.A. was pending disposal. Be that as it may, we find that amongst several reliefs sought for in the amended application, much emphasis was put on the relief 8(f), whereby the applicant has prayed for a direction for quashing the impugned order dated

29.5.1998 passed by the Disciplinary Authority-cum-Assistant Operation Manager (respondent no.7). It would be relevant to point out that, as contended on behalf of the applicant, the order passed by the Disciplinary Authority was communicated to him through a Regd. Post, which was served on him on 16.6.1998. The applicant thereupon preferred an appeal against the said order, as provided under Rule 21(1) & (2) of the Railway Servants (Discipline & Appeal) Rules, 1968. A copy of the memo of appeal being dated 21.7.1998 has been made available on the record for our perusal and we have actually perused the same; and we further get an impression that the memo of appeal had been sent to the concerned authority by Speed Post vide Annexure-9.

2. The fact remains that the statutory appeal preferred by the applicant before the departmental appellate authority has not been considered for one or the other reason. In the given facts and circumstances of the case, we deem it expedient that the applicant must exhaust statutory remedy available to him, as provided under Rule 21(1) & (2) of Railway Servants (D&A) Rules, 1968 and, accordingly, we direct that the concerned appellate authority should proceed to consider the pending appeal on merit and to decide the same by a reasoned order within a period of four months from the date of communication of this order. In order to expedite the matter, we direct that the applicant would file a copy of the earlier memo of appeal together with the copy of the instant O.A. before the appellate authority by hand in his office within a fortnight from the date hereof.

3. This O.A. is ^{accordingly} disposed of. There shall be no order as to costs.

(L.R.K. Prasad)
Member (A)

(S. Narayan)
Vice-Chairman

S. Narayan
25.10.2003