

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

TR. A. NO 334/87

O.A. NO.

TR. A. NO. --

199

8-9-93

DATE OF DECISION

Keshav Baliram Tidke

Applicant(s)

Versus

Divl. Rly. Manager, C.R. Nagpur

Respondent(s)

1. Whether it be referred to the Reporter or not ? *Ans*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *Ans*

M

MEMBER

Signature
VICE CHAIRMAN

H

mbm

(11)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

Tr. No. 334/87

Keshav Baliram Tidke

.. Applicant

-versus-

1. Divl. Rly. Manager
Central Railway,
Nagpur.

2. Divl. Safety Officer
Central Railway,
Nagpur.

.. Respondents

Coram: Hon'ble Shri Justice M.S. Deshpande
Vice-Chairman

Hon'ble Ms. Usha Savara, Member (A)

Appearances:

1. Mr. Harsulkar
Advocate for the
Applicant.

2. Mrs. Indira Bodade
Counsel for the
Respondents.

ORAL JUDGMENT:

(Per M.S. Deshpande, V.C.)

Date: 8-9-93

The applicant who was working as Assistant Station Master was proceeded against and in the departmental enquiry after holding him guilty, the punishment of reduction to lowest stage of pay was imposed. Another disciplinary proceeding was initiated against the applicant and applicant became aware when the letter dt. 13-9-83 (Annexure H) was issued wherein he was found to be guilty and the punishment of continuing him at the lowest stage for a further period of two years was imposed on him. The applicant's grievance was that the order holding him guilty and imposing the punishment was not communicated to him and he heard about this order for the first time when he was put down to the lowest stage of pay. The applicant filed Writ Petition before the High Court on 27-12-84 challenging this order

and the writ petition came to be transferred to this Tribunal.

2. The grievance of Mr. Harsulkar, counsel for the applicant, is that the opportunity of contesting the order passed by the Disciplinary Authority by way of an appeal was denied to him and therefore the order passed by the disciplinary authority which came ~~is~~ to be communicated on by letter dt. 13-9-83 should be quashed.

3. We do not think that would be a proper approach to the present case. Evidently the right of appeal could not be exercised within the period prescribed and what needs to be done in the case is to permit the applicant to file an appeal within one ~~next~~ month and direct the appellate authority to decide the appeal within two months thereafter. The interim order passed on 14-1-85 to continue until the applicant's appeal is decided by the appellate authority.

4. With this direction the application is disposed of. Liberty to the applicant to approach the Tribunal if he is aggrieved by the appellate decision.

U. Savara
(USHA SAVARA)
M(A)

M.S. Deshpande
(M.S. DESHPANDE)
V.C.

M