

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY 400614

O.A.NO.607/88

Shri Vijay Dattaram More  
Ex.Welder  
C/o. Shri G S Walia  
Advocate High Court  
89/10 Western Railway Employees Colony  
Matunga Road  
Bombay 400019

Applicant

V/s

1. Union of India  
through General Manager  
Western Railway  
Churchgate  
Bombay 400020
2. Deputy Chief Electrical Engineer  
(POH) Mahalaxmi  
Western Railway  
Bombay 400013
3. Divisional Electrical Engineer(POH)  
Mahalaxmi, Western Railway  
Bombay 400013
4. Assistant Electrical Engineer(POH)  
Mahalaxmi, Western Railway  
Bombay 400013

Respondents

Coram : Hon'ble Vice Chairman B C Gadgil  
Hon'ble Member(A) P S Chaudhuri

Appearance:

Shri G S Walia  
Advocate  
for the applicant

ORAL JUDGEMENT  
(PER: B.C. GADGIL, VICE CHAIRMAN)

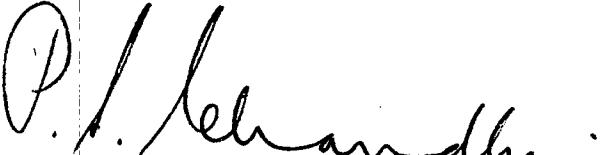
DATE : 19.9.1988

Heard Mr. Walia for the applicant.

2. In our opinion the matter deserves to be dismissed summarily for the following reasons. The impugned order of removal from service is dated 7.9.1987. The applicant has filed an appeal on 21.7.88. Ordinarily the applicant is required to exhaust all the remedies available under the departmental remedies. At one stage Shri Walia submitted that if the employee does not prefer an appeal within 45 days he can come to this Tribunal. We are

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not inclined to accept this contention. However, this point may not be decided at this stage particularly when the applicant has filed an appeal as mentioned above. It is true that the appeal is barred by time. However, the department rules permit that such appeals can be entertained even after the prescribed period, if the Appellate Authority finds that there was sufficient cause for not preferring the appeal. Of course this aspect will have to be decided by the Appellate Authority. As the appeal is pending, we do not intend to entertain this application. The application is, therefore, summarily dismissed subject to an observation that the applicant would be at liberty to file a separate application after the appeal has been decided or after six months from the date of the appeal. We further direct that the Appellate Authority should decide the appeal expeditiously, say within a period of two months from to-day.

  
( P S Chaudhuri )  
Member(A)

  
( B C Gadgil )  
Vice Chairman