

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI
NEW BOMBAY BENCH

St.
Qxx. No. N.201/88
xRxxNxx

198

DATE OF DECISION 30.3.1988

Shri Pandurang Tembhekar

Petitioner

Shri Mohan Sudame

Advocate for the Petitioner(s)

Versus

Addl.Divisional Rly.Manager, S.E.Railway, Kingsway, Nagpur and another.

Respondent(s)
Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. P.Srinivasan, Member (A)

The Hon'ble Mr. M.B.Mujumdar, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

P. J. D.

(2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

CAT/BOM/St.No. N.201/88

Shri Pandurang Tembhukar,
Chief Goods Supervisor,
Lalganj, (pewatha),
Near Dr.Ambedkar Statue,
Nagpur.

APPLICANT

v/s.

Additional Divisional
Railway Manager,
S.E.Railway, Kingsway,
Nagpur.

2. Divisional Commercial
Superintendent,
S.E.Railway, Kingsway,
Nagpur.

RESPONDENTS

CORAM : Hon'ble Member (A) P. Srinivasan
Hon'ble Member (J) M.B.Mujumdar

ORAL JUDGMENT

Dated: 30.3.1988

(PER: P.Srinivasan, Member (A)

This application has come before us for admission today. The grievance of the applicant is against an order dated 29.2.1988 by which the Disciplinary Authority has imposed the punishment of reversion for a period of 5 years on the applicant. This punishment was to take effect from 1.4.1988.

2. Shri Sudame, Advocate for the applicant, informs us that an appeal has been filed against this order on 25.3.1988 and that is pending. The applicant also applied to the Appellate Authority for stay of the order of the Disciplinary Authority on 24.3.1988 and this application has been rejected orally. He explains that he has come to this Tribunal without exhausting the departmental remedies only because he has not been able to obtain stay of operation of the order of the Disciplinary

P. Srinivasan

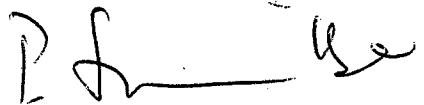
Authority. He has cited the decision of the Principal Bench of this Tribunal in Charan Singh V/S. Union of India decided on 1.7.1986 (ATR 1986(2) CAT 643) to support his contention that this Tribunal can stay the order of the Disciplinary Authority till the appeal is disposed of.

3. We are of the view that this is not a fit case for admission because departmental remedies have not been exhausted. Under the law ordinarily this Tribunal will not admit an application if departmental remedies are not exhausted. This would mean that such an application would be admitted only in exceptional cases. We do not see anything in this application which justifies us to admit it without the departmental remedies being exhausted.

4. Having said so much we must also refer to the ^{Submission} contention of Shri Sudame that the Appellate Authority has orally rejected the request for stay of the Disciplinary Authority. As was done in the case of Charansingh, cited above, we are inclined to stay the operation of the Disciplinary Authority till the appeal is disposed of by the Appellate Authority. We, hereby, stay the operation of the order dated 29.2.1988 till the appeal is disposed of by the Appellate Authority. We would also direct the Appellate Authority to dispose of the appeal pending before it within 3 months from the date of receipt of this order.

5. In view of the above the application is rejected at the admission stage itself subject to the observation made above. The applicant is allowed to serve the order on the respondents.


(M.S.B. Mujumdar)
Member (J)


(P. Srinivasan)
Member (A)