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CENTRAL ADMINISTRATIVE TRIBUNAL: BOMBAY BENCH, BOMBAY.

STAMP NO. 871 OF 1988.

Ganga Prasad,
S/o Jaggoram, working as
Chargeman Grade-A, Barturret Section,
Machine Shop, Parel,
Central Railway, Parel, Bombay-400 012.

.. Applicant.

(By Sri G.S.Walia, Advocate)

v.

1. Union of India,
through General Manager,
Central Railway, Bombay V.T.
Bombay-400 001.
2. Chief Workshop Manager,
Parel Workshop, Central Railway,
Parel, Bombay-12.
3. Deputy Chief Mechanical Engineer/Diesel,
Central Railway, Parel, Bombay-12.
4. S.K.Chatterjee,
Works Manager (Manufacture),
Parel Workshop, Central Railway,
Parel, Bombay-12.

.. Respondents.

CORAM:

Hon'ble Mr. Justice K.S. Puttaswamy,
Hon'ble Mr. P.S. Chaudhuri,

.. Vice-Chairman.
.. Member(A).

ORAL JUDGMENT:

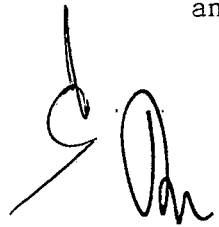
(Per: Justice Mr. K.S. Puttaswamy, VC)

Dated: 21-12-1988.

In this application made under Section 19 of the Administrative Tribunals Act, 1985 ('Act') the applicant has challenged Order No.E5/9301/GP dated 12-12-1988 (Exhibit-E) of the Deputy Chief Mechanical Engineer/Diesel, Parel and the Disciplinary Authority ('DA').

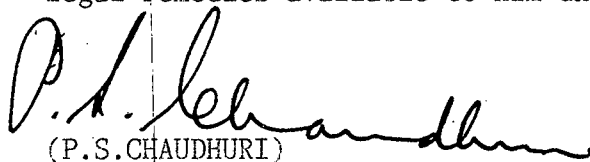
2. In a disciplinary proceedings initiated against the applicant under the Railway Servants (Discipline and Appeal) Rules, 1968 ('Rules') the DA in his order dated 12-12-1988 had imposed on him the penalty of reduction in rank. Without availing the legal remedy of an appeal available under the Rules, the applicant has challenged the said order on diverse grounds.


3. Sri G.S.Walia, learned Advocate for the applicant strenuously contends that the nature of the order made by the DA, the grounds urged against the same and all the facts and circumstances justify this Tribunal to entertain this application without insisting on the applicant to exhaust the legal remedies available under the Rules and decide his case on merits.



4. We are of the view that every one of the grounds urged by the applicant before us can also be urged by him in an appeal under the Rules. Every one of the facts and circumstances highlighted by Sri Walia do not justify us to entertain this application before the applicant exhausts the legal remedies available to him under the Rules in the first instance.

5. In the light of our above discussion, we hold that this application is liable to be rejected at this stage. We, therefore, reject this application reserving liberty to the applicant to exhaust the legal remedies available to him under the Rules.


(P.S. CHAUDHURI)
MEMBER (A)


(K.S. PUTTASWAMY)
VICE-CHAIRMAN. 21-12-88