

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 235 /1996

Date of Decision: 4th October 96

I P Mishra

Petitioner/s

Mr. P S Chussain

Advocate for the  
Petitioner/s

V/s.

U.O.I. & ORS.

Respondent/s

Mr. V S Masurkar

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri B.S.Hegde, Member (J)

Hon'ble Shri M.R.Kolhatkar, Member (A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?

  
M(J)

trk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PREScot ROAD, MUMBAI-1

O.A.No. 235/96

DATED : THIS 4 DAY OF OCTOBER, 1996

CORAM: Hon.Shri B S Hegde, Member(J)  
Hon.Shri M R Kolhatkar, Member(A)

Indraprakash Mishra s/o  
Sheshdutt Mishra,  
residing at Pitamah Ramji Nagar,  
Municipal School No.2  
Barve Nagar, Bhatt Wadi,  
Ghatkopar (W),  
Mumbai 400084 and  
working as Sub-Khalasi under,  
the Chief Electrical Foreman(TL),  
Western Railway, Mumbai Central,  
Mumbai 400008

(By Adv. Mr. P S Gussain)

..Applicant

V/s.

1. Assistant Electrical Engineer  
(Train Lighting), Mumbai  
Central Division, Mumbai-8
2. Asstt. Personnel Officer,  
office of the Divisional  
Railway Manager,  
Western Railway,  
Mumbai-8
3. Union of India owning  
Western Railway through  
General Manager  
Western Railway HQ,  
Churchgate, Mumbai 20

(By Adv. V S Masurkar, Government  
Standing Counsel)

..Respondents

.2.

ORDER

=====

[PER: B.S. Hegde, Member(J)]

1. Heard Mr. Gussain, counsel for the applicant and Mr. V S Masurkar, counsel for the respondents.

2. The applicant in this O.A. is challenging the order passed by the respondents vide order dated 20.2.96. The Respondents had issued a show cause notice dated 16.2.96 stating that the applicant has obtained the appointment of Substitute Khalashi under the forged signature of the General Manager (Establishment), Western Railway Headquarter Office, Mumabai and the applicant was asked to submit the written explanation. The Applicant accordingly submitted his explanation after examining all the aspects of the case, the respondents decided to terminate the services of the applicant with immediate effect.

3. The applicant filed this OA on 1.3.1996 without exhausting statutory remedies available under the A T Act. As a matter of fact the applicant should ~~be~~ <sup>be</sup> represented ~~his~~ <sup>his</sup> against his termination order dated 20.2.96 to the competent authority and waited for reply before approaching the Tribunal.

.3.

4. In the result, we are of the view that the present O.A. is premature and is accordingly dismissed with no order as to costs.

M.R.Kolhatkar  
(M.R.Kolhatkar)

Member(A)

  
(B.S. Hegde)

Member(J)