

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 122/99.

Date of Decision: 26/7/99

shri G.S.Rathore

Applicant.

In person

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondent(s)

shri V.S.Masurkar

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri.Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri.B.N.Bahadur, Member(A)

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

abp.


(R.G.VAIDYANATHA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.122/99.

DATED THE 26TH DAY OF JULY, 99.

CORAM: HON'BLE SHRI JUSTICE R.G. VAIDYANATHA, VICE CHAIRMAN

HON'BLE SHRI B.N. BAHADUR, MEMBER (A)

Shri G.S. Rathore,
Project Manager,
GM Old Building,
Western Railway,
Churchgate,
Mumbai

... Applicant.

In person.

V/s.

1. Union of India through Secretary,
Railway Board,
New Delhi.

2. General Manager,
Western Railway,
Churchgate,
Mumbai.

... Respondents.


By Advocate Shri V.S. Masurkar

I O R D E R I (ORAL)

[Per Shri R.G. Vaidyanatha, Vice Chairman]

This is an application challenging the order of punishment dated 23/11/97 and for other consequential reliefs. We have heard the applicant in person and Shri V.S. Masurkar, counsel for respondents regarding admission.

2. The applicant is challenging the legality of the charge sheet and enquiry report and the final punishment imposed by Disciplinary Authority. It is well settled that without exhausting the statutory remedies, the applicant cannot approach the Tribunal. In this case the applicant has approached this Tribunal after submitting an appeal to the President of India, Railway



Board, New Delhi, a copy of which is at page-35 of the paperbook. The appeal is pending before the Appellate Authority.

3. We therefore feel that at this stage it is not desirable to admit this OA since the appeal is pending before the Appellate Authority. It is for the Appellate Authority to consider all the facts and pass appropriate orders as per rules. Since the appeal was filed in June, 98, we direct the Appellate Authority to dispose of the appeal within a period of four months from the date of receipt of copy of this order.

4. In the result, the OA is disposed of at admission stage with a direction to Appellate Authority to dispose of applicant's appeal within a period of four months from the date of receipt of copy of this order. Needless to say if any adverse order is passed by Appellate Authority, the applicant can approach this Tribunal.

Copy of the order be sent to the Secretary, Ministry of Railways, Rail Bhavan, New Delhi - for information and to comply with the directions about disposal of appeal.

B.N. Bahadur

(B.N. BAHADUR)
MEMBER(A)

R.G. Vaidyanatha

(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.