

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 532/99

Date of Decision: 19th July, 99

Sudam Barik

Applicant.

~~Sri. G.S. Walia~~

Advocate for
Applicant.

Versus

Union of India & 2 Ors

Respondent(s)

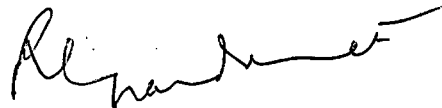
Advocate for
Respondent(s)

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? ~~~~~
- (2) Whether it needs to be circulated to other Benches of the Tribunal? ~~~~~



(R.G.VAIDYANATHA)
VICE CHAIRMAN

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6,PRESBOT RD,4th FLOOR,
FORT, MUMBAI-400 001.

ORIGINAL APPLICATION NO:532/99
DATED THE 19TH DAY OF JULY,1999.

CORAM: HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN
HON'BLE SHRI B.N.BAHADUR , MEMBER(A)

Sudam Barik,
Working as
Pointsman 'Grade-B'
Under Chief Yard Master,
Central Railway,
C.S.T., Mumbai

... Applicant.

By Advocate Sshri G.S.Walia.

V/s.

1. Union of India, through
General Manager,
Central Railway,
Headquarters Office,
Mumbai CST,
Mumbai - 400 001.
2. Divisional Railway Manager,
Mumbai Division,
Central Railway,
D.R.M's office,
CST Mumbai,
Mumbai - 400 001
3. Sr.Station Manager,
CST Mumbai Station,
Central Railway,
Mumbai CST,
Mumbai - 400 001.

... Respondents

|| O R D E R || || ORAL ||

|| Per Shri R.G.Vaidyanatha,Vice Chairman ||

In this case the applicant is challenging
the order of removal from service dated 26/4/99 passed by the
Disciplinary Authority.

2. Admittedly the applicant has not exhausted
the statutory remedies of appeal. Today, learned counsel for
applicant says that his client will prefer an appeal to the Competent
Authority. During the pendency of this OA, the appeal period has
expired.

3. In the circumstances of the case, we give liberty to applicant to prefer an appeal in 4 weeks from today and on receipt of appeal, the Appellate Authority should consider the appeal on merits without going into the question of limitation, limitation.

4. The OA is disposed of at admission stage. All contentions on merits are left open. There will be no orders as to costs.

B.N. Bahadur

(B.N. BAHADUR)
MEMBER(A)

R. G. Vaidyanatha

(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp