

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 541 OF 1999.

Dated this Friday, the 16th day of July, 1999.

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

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

S. Balasubramaniam,
Pointsman Grade-B
under Chief Yard Master,
Central Railway,
C.S.T., Mumbai.

Residing at Room No. 205,
Azad Nagar, Near R.P.F.
quarters, Matunga,
Mumbai - 400 019.

... Applicant.

(

(By Advocate Shri G. S. Walia)

VERSUS

1. Union of India through
the General Manager,
Central Railway,
Head Quarters Office,
Mumbai CST,
Mumbai - 400 001.

2. Divisional Railway Manager,
Mumbai Division,
Central Railway,
D.R.M.'s Office,
CST Mumbai,
Mumbai - 400 01.

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.

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This is an application challenging the order of removal from service in a disciplinary enquiry. After hearing the Learned Counsel for the applicant we find the applicant has not exhausted statutory remedy of filing appeal before appellate authority. The Learned Counsel now says that applicant will now file an appeal. The application has been filed on 03.05.1999, well within the appeal period. It may be that the appeal period has not expired during the pendency of the O.A. Therefore, if an appeal is filed now by the applicant before the Appellate Authority within four weeks from today, the appellate authority shall consider the appeal on merits without going to the question of limitation and dispose of the same according to law. All contentions on merits are left open.

2. In the result, the O.A. is disposed of subject to above observations. No order as to costs.

B. N. Bahadur
(B. N. BAHADUR)

MEMBER (A).

R. G. Vaidyanatha
(R. G. VAIDYANATHA)