

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 696 of 1999.

Dated this Friday, the 13th day of August, 1999.

Maruti Balappa Mastamaradi, Applicant.

Shri U. P. Warunjikar, Advocate for the  
applicant.



VERSUS

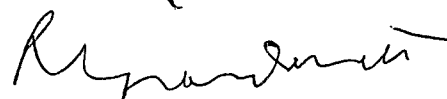
Union of India & Others, Respondents.

None present. Advocate for the  
respondents.

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

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

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



(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH.

ORIGINAL APPLICATION NO. : 698 of 1999.

Dated this Friday, the 13th day of August, 1999.

CORAM : Hon'ble Chief Justice R. G. Vaidyanath, Vice-Chairman.

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

Maruti Balappa Mastamard,  
Fitter Grade-II,  
O/o. the Divisional office of  
Mechanical Branch, Sangli.

Residing at -  
S/o. M. A. Shirkar,  
Surwar Peth, Kajiwadia,  
Wing, Dist. Sangli.  
... Applicant.

(By Advocate Shri U. P. Warunekar)

VERSUS

1. Union of India through  
The Secretary,  
Rail Ministry, Rail Bhavan,  
New Delhi.

2. Divisional Railway Manager,  
South Central Railway,  
Hubli.

3. Senior Divisional Mechanical  
Engineer, South Central Railway,  
Hubli.  
... Respondents.

(None present).

OPEN COURT ORDER

PER : Shri R. G. Vaidyanath, Vice-Chairman.

This is an application filed by the applicant challenging

the show cause notice dated 17.07.1999 issued by Respondent no. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 696 of 1999.

Dated this Friday, the 13th day of August, 1999.

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

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

Maruti Balappa Mastamaradi,  
Fitter Grade-II,  
O/o. the Divisional office of  
Mechanical Branch, Sangli.

Residing at -  
c/o. M. A. Shaikh,  
Guruwar Peth, Kajiwadia,  
Miraj, Dist. Sangli.

... Applicant.

(By Advocate Shri U. P. Warunjikar)

VERSUS

1. Union of India through  
The Secretary,  
Rail Ministry, Rail Bhavan,  
New Delhi.

2. Divisional Railway Manager,  
South Central Railway,  
Hubli.

3. Senior Divisional Mechanical  
Engineer, South Central Railway,  
Hubli.

... Respondents.

(None present).

OPEN COURT ORDER

PER : Shri R. G. Vaidyanatha, Vice-Chairman.

This is an application filed by the applicant challenging  
the show cause notice dated 17.07.1999 issued by Respondent No.2.

The applicant has been convicted in a R.P.F. case and sentenced to pay Rs. 100/- by the Learned Magistrate. In view of the conviction, the competent authority has issued a show cause notice to the applicant as to why he should not be dismissed from service as provided in Rule 14(1) of the Railway Servants (Discipline & Appeal) Rules, 1968. Being aggrieved by the show cause notice, the applicant has approached this Tribunal.

2. After hearing the Learned Counsel for the applicant and after going through the materials on record, we do not find <sup>that</sup> any grounds <sup>are</sup> made out for interfering with the show cause notice at this stage. The competent authority has powers under Rule 14 to dispense with the enquiry and to pass a punishment order if there is a conviction of the railway employee. In pursuance of these powers, the competent authority has issued a show cause notice. The applicant will have to reply to the show cause notice and mention all facts which are in his favour. Then it is for the competent authority to decide and pass a final order. In case the applicant is aggrieved by the final order, he has to file a statutory appeal before the appropriate authority. Hence, at this stage, the matter is too premature so as to call for interference by this Tribunal. Hence, without expressing any view on the merits of the case, we reject the application as premature.