

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAIBENCH,MUMBAI

ORIGINAL APPLICATION NO: 754/99

FRIDAY the 5th day of NOVEMBER 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha,Vice Chairman
Hon'ble Shri B.N.Bahadur, Member (A)

Chote Khan Shabbir
Hasan Khan Pathan
Residing at
Ardhapur, Nanded,
P.O. Ardhepur,
Talukha and Dist. Nanded. ... Applicant.

By Advocate Shri V.G.Rege.

V/s

1. Union of India through
Divisional Railway Manager
Central Railway, Solapur.
2. Deputy Chief Engineer (C)
Central Railway, Solapur. ... Respondents

By Advocate Shri R.R.Shetty.

ORDER (ORAL)

{Per Shri Justice R.G.Vaidyanatha,Vice Chairman}

This is an application filed by the applicant challenging the Show cause notice dated 30.7.1999. The respondents have filed, reply opposing the application. We have heard Shri V.G.Regeth counsel for the applicant. Shri R.R.Shetty counsel for the respondents.

2. It appears that applicant ~~has~~ ^{the} ~~was~~ convicted in criminal case and sentenced punishment of imprisonment of 7 years ^{and} ~~or~~ fine of Rs. 1000/- . The applicant has preferred an appeal before the ~~which has~~ High Court, ^{which has} suspended the sentence of imprisonment. He is now on bail. Now the applicant has received show cause notice ~~alongwith reply~~, intending to take action presumably under Rule 14(i) of the Railway Servant (Discipline and Appeal) Rules 1968. Now it is brought to our notice that the Competent Authority had already passed final order dated 16.8.1999 in pursuance of the show cause notice. In view of the subsequent ^{which} event it is brought to our notice that the authority ^{has passed} ~~as per~~ final order dated 16.8.1999 dismissing the applicant from service. According to the applicant the applicant was not aware of the order. Alongwith written statement a copy of the same has been served on the applicant. Therefore the applicant is now aware of the order dated 16.8.1999 under which he is dismissed from service. Under Section 20 of the Administrative Tribunals Act an official has to exhaust the statutory remedy. Now the applicant is aware of the order of dismissal from service, he has statutory right of appeal to be filed before the Appellate Authority. Therefore without expressing any ^{opinion} ~~point~~ on merits, we dispose of the OA with liberty to the applicant to exhaust the statutory remedy of appeal. In case he is aggrieved by the order of the Competent authority, he may challenge the same before the appropriate forum.



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3. In the result OA is ~~dismissed~~ ^{disposed off} at the admission stage, with liberty to the applicant to prefer an appeal before the Appropriate Authority. If the applicant files an appeal within four weeks from the date of receipt of this order, the Appellate Authority shall dispose of the appeal on merits without going ^{to} through the question of limitation. In the circumstances of the case there will be no order as to costs.

B.N.Bahadur

(B.N.BAHADUR)
MEMBER(A)

R.G.Vaidyanatha

(R.G.VAIDYANATHA)
VICE CHAIRMAN

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