

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 15-10-87

APPLICATION NO 272 /87(F)

W.P.No. 1

APPLICANT Devirakkam

Vs

RESPONDENTS Secretary,
Min. of Transport/
Dept. of Railways, N. Delhi
and 3 Ors.

To

1. Sri Devirakkam,
Resident of Manantwadi,
II Cross, Mysore Sonthi,
Mysore - 570 008.
2. Sri M. S. Ananda Ramu,
Advocate,
No. 123, Cuddalorepet,
Main Road, Bangalore - 2.
3. The Secretary,
Min. of Transport,
Department of Railways,
Rail Bhawan, N. Delhi - 110001.
4. The General Manager,
Southern Railways,
Park Town, Madras - 600 003.

5. The Assistant Personnel -
Officer (M & E), S. Railway,
Headquarters Office,
Personnel Branch,
Madras - 600 003.
6. The Works Manager,
Southern Railways,
Works Manager's Office,
Mysore Sonthi, Mysore.
7. Sri K. V. Lakshmanachari,
Advocate,
No. 4, 3th Police,
Brind Square Police Quarters,
Mysore Road,
Bangalore - 2.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application

on 7 Oct 87.

RECEIVED

Diary No. 1326/87

Date: 16/10/87

Encl: as above.

Hare
Section Officer
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 7th DAY OF OCTOBER, 1987

Present : Hon'ble Sri L.H.A.Rego Member (A)

Hon'ble Sri Ch.Ramakrishna Rao Member (J)

Application No.272/87(F)

Devirakkem,
r/a Manantwadi,
II Cross, Mysore South,
Mysore - 570 008.

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Applicant

(Sri M.S.Anandaramu ... Advocate)

vs.

1. The Union of India
represented by the
Secretary to Government,
Ministry of Transports,
Department of Railways,
Rail Bhavan,
New Delhi - 110 001.

2. The General Manager,
Southern Railways,
Park Town,
Madras - 600 003.

3. The Assistant Personnel
Officer (M&E),
Southern Railway,
Headquarters Office,
Personnel Branch,
Madras - 600 003.

4. The Works Manager,
Southern Railways,
Works Manager's Office,
Mysore South,
Mysore.

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Respondents

(Sri K.V.Lakshmanachar ... Advocate)

This application has come up before the Court
today. Hon'ble Sri Ch.Ramakrishna Rao, Member (J) made
the following :

ORDER

This is an application filed under Section 19
of the Administrative Tribunals Act, 1985 ('Act', for short).



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2. The facts giving rise to this application lie in a narrow compass. The applicant was working as a semi-skilled Artisan Grade III in the Southern Railway Workshop, Mysore (Respondent 4 -R4) until he was removed from service on 13.3.1976, after holding disciplinary proceedings against him, in which the charge of theft of Railway property was established. Against the order passed by R4, the applicant preferred an appeal to the Chief Works Engineer, Southern Railway, Madras, which was rejected. The revision petition preferred by the applicant was also rejected. Aggrieved by the same, the applicant filed a writ petition in the High Court of Karnataka, which was dismissed on 31.10.77 by a single Judge. Against that order the applicant filed an appeal which was heard by a Division Bench on 30.11.84. While allowing the appeal, the Division Bench quashed the orders of the appellate and revisional authorities and remitted the matter to the appellate authority for fresh disposal in the light of the observations made by the Court. Accordingly, the appellate authority reconsidered the matter and rejected the appeal. Aggrieved, the applicant has filed this application.

3. Sri K.V. Lakshmana Achar, learned counsel for the respondents, has raised a preliminary objection that this application is not maintainable because the applicant has not exhausted the remedies available to him under the Railway Servants' (Discipline & Appeal) Rules, 1958. Under Rule 29 of the said Rules, the applicant should have preferred a revision petition to the General Manager,

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Southern Railway, Madras (R2) and therefore the application is not maintainable in terms of Sec.20 of the Act.

4. Sri M.S. Anandaramu, learned counsel for the applicant, submits that it is not imperative to exhaust the remedies before approaching this Tribunal for relief; that the applicant is an aged person; that the matter has been pending for over a decade and in the interest of speedy disposal, the application may be entertained by the Tribunal.

5. Sri Achar submits in reply that the applicant had availed of the remedy of revision even in the first round of this litigation and there is nothing in the judgement of the Division Bench of the High Court of Karnataka which warrants the exclusion of the remedy by way of revision.

6. We have considered the rival contentions carefully. Normally, the applicant should exhaust all the remedies before approaching this Tribunal for redress. He has not brought to our notice any compelling ground for relaxing this procedure. We, therefore, uphold the preliminary objection. However, as the applicant is an aged person and the matter has been pending for over a decade, we direct that the revision petition as and when filed before the appropriate authority shall be disposed of within 4 months from the date of filing of the revision petition by the applicant after affording an opportunity to the applicant to appear in person, in



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case he has not been afforded such an opportunity at the appellate stage.

7. In the view we have taken, we do not consider it necessary at this stage to examine the merits of the case of the applicant.

8. In the result, the application is disposed of on the lines indicated above. Parties to bear their own costs.

Sd/-

MEMBER (A) P. K. S.


Sd/-

MEMBER (J)

11/10/81

-True copy-

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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE