

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
NEW BOMBAY BENCH, NEW BOMBAY,  
CAMP AT NAGPUR.

ORIGINAL APPLICATION NO.796/90.

Shri R.U.Bhagade.

... Applicant.

V/s.

Divisional Railway Manager,  
Central Railway,  
Bhusaval.

... Respondents.

Coram: Hon'ble Member(J), Shri D.Surya Rao,  
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:-

Applicant by Mr.Y.R.Singh.

Oral Judgment:-

(Per Shri P.S.Chaudhuri, Member(A)) Dated: 9.1.1991.

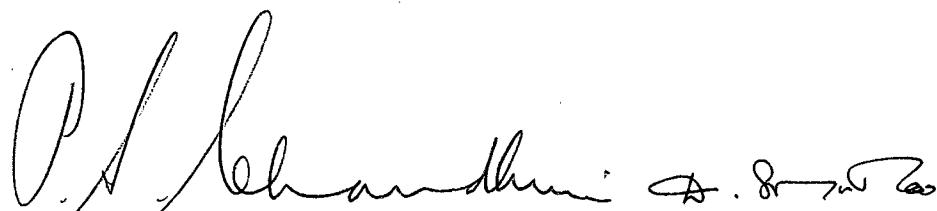
This application under section 19 of the Administrative Tribunals Act, 1985 was filed on 8.11.90. In it the applicant who is working as a Travelling Ticket Examiner at Badnera is challenging the order dated 25.8.1989 by which the penalty of reduction to a lower stage in the same time scale by two stages for a period of 5 years (N/C) has been imposed on him. We heard Mr.Y.R.Singh, learned counsel for the applicant. He fairly submitted that the applicant has not filed any appeal against this penalty even though he has a statutory right to do so. Mr.Singh also clarified that Annexure IV to the application be treated as withdrawn, as that appeal did not pertain to this case.

2. We are satisfied that the applicant has a statutory right of appeal under the Railway Servants (Discipline & Appeal) Rules, 1968. But he has not chosen to do so. Rule 27 of these rules also confer powers on the authorities concerned to relax time limits and to condone delay. In view of these circumstances we are not satisfied that the applicant

(4)

has availed all the remedies available to him under the relevant service rules as to redressal of grievances as is required under section 20 of the Administrative Tribunals Act, 1985. In another view of the matter, the present application has been filed more than one year after the impugned order of penalty dt. 25.8.1989 and is thus barred by limitation under section 21 of this Act.

3. The application is accordingly summarily rejected under section 19(3) of the Administrative Tribunals Act, 1985. We make it clear that this will not preclude the applicant from making an appeal to the appropriate authority under the relevant service rules applicable to him. It will also not preclude him from approaching this Tribunal afresh should he remain aggrieved after it has been decided finally. There will be no order as to costs.



(P.S.CHAUDHURI)  
MEMBER(A)

(D.SURYA RAO)  
MEMBER(J).