

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: **28/98**

Date of Decision: **16.1.1998**

M.S.A. Shaikh

.. Applicant

Shri N.P. Dalvi

.. Advocate for  
Applicant

-versus-

A.D.R.M., C.Rly. Solapur

.. Respondent(s)

Shri S.C. Dhawan

.. Advocate for  
Respondent(s)

CORAM:

The Hon'ble **Shri Justice R.G.Vaidyanatha, Vice Chairman**

The Hon'ble **Shri M.R.Kolhatkar, Member (A)**

(1) To be referred to the Reporter or not ? *u*

(2) Whether it needs to be circulated to *u*  
other Benches of the Tribunal ?

M.R.Kolhatkar

**(M.R.KOLHATKAR)**  
**MEMBER (A)**

*R.G.Vaidyanatha*

**(R.G.VAIDYANATHA)**  
**VICE CHAIRMAN**

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

DA NO. 28/98

Friday this the 16th day of January, 1998

**CORAM:** Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri M.R.Kolhatkar, Member (A)

Mohmed Sadiq Adam Shaikh  
Office Superintendent II,  
r/o House No. 9, Modi Khana,  
Solapur.

By Advocate Shri N.P.Dalvi ... Applicant  
V/S.

1. The Additional Divisional Railway Manager, Central Railway, Solapur.
2. The Divisional Railway Manager, Central Railway, Solapur.

By Advocate Shri S.C.Dhawan ... Respondents

ORDER

(Per: Shri Justice R.G.Vaidyanatha, VC)

We have heard the learned counsel for the applicant. Shri Dhawan appears for respondents and opposes the application.

The matter on record shows that respondents had initiated disciplinary enquiry and disciplinary authority has passed an order dated 28.11.1997 under which the applicant has been removed from service as Office Superintendent II. The applicant has approached this Tribunal challenging the said order.

The learned counsel for the applicant has questioned the legality of impugned order and even questioned the competency of the authority. He also

.. 2/-

submitted that the applicant could not have been found guilty during the disciplinary action. It is an admitted fact that the applicant has filed an appeal before the competent authority. According to Section 20 of the Administrative Tribunals Act the applicant has to exhaust all the remedies available to him under the relevant service rules as to redressal of grievances and then approach this Tribunal. We feel that it is premature to go into the several contentions<sup>raised</sup> on behalf of the applicant. The applicant can urge all these contentions before the appellate authority and if any adverse order is passed, he is entitled to approach this Tribunal under Section 19 of the A.T. Act.

For the aforesaid reasons the OA. is rejected at the admission stage, but since the applicant has already submitted an appeal, we direct the appellate authority, i.e. Chief Operating Manager, Central Railway, CST Main, Mumbai, to dispose of the appeal expeditiously but within a period of six months. All contentions raised on behalf of the applicant are left open. No costs.

M.R.Kelkar  
(M.R.KOLHATKAR)  
MEMBER (A)

R.Vaidyanatha  
(R.G.VAIDYANATHA)  
VICE CHAIRMAN

mrj.