

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 191/98

Date of Decision: 4/5/98

B. S. Rath

Applicant.

Shri S. Dighe

Advocate for
Applicant.

Versus

Union of India & 4 Ors.

Respondent(s)

Shri V. S. Masurkar

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, V.C.

Hon'ble Shri. p.p.Srivastava, Member(A).

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

abp.


(R. G. VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO.191/98.

DATED THIS 4TH DAY OF MAY, 1998.

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

Hon'ble Shri P.P.Srivastava, Member(A).

B.S.RATH,
4-B, Ganesh Bhavan,
Senapati Bapat Marg,
Mahim,
Mumbai - 400 016.

... Applicant.

By Advocate Shri S.Dighe.

v/s.

1. Union of India,
through the General Manager,
Western Railway, Churchgate,
Mumbai - 400 020.
 2. The Divisional Railway Manager,
Bombay Division,
Western Railway,
Bombay Central,
Mumbai - 400 008.
 3. Pankaj Malaviya,
Ex.Additional Divisional Railway Manager(O),
Bombay Division,
Western Railway,
Bombay Central,
Mumbai - 400 008.
 4. Smt.Chetana Kumar,
A.D.R.M.(T), Mumbai Central
Mumbai - 400 008.
 5. The Chief Electrical
Distribution Engineer,
Churchgate, 5th Floor,
Station Building, Mumbai-20.
- By Advocate Shri V.S.Masurkar.

... Respondents.

I ORDER I


I Per Shri R.G.Vaidyanatha, V.C.I

Heard both sides. In this application, the applicant is challenging the punishment ^{of} imposing penalty of removal from service. It is brought to our notice that ^{again for} there is an order of the disciplinary authority, the applicant has already filed appeal dated 30/5/97 to the appellate authority. Admittedly, the appeal has not yet been disposed of and is

[Signature]

stated to be pending. As per the Administrative Tribunals Act, the applicant will have to exhaust all the other remedies before approaching this Tribunal. Hence, the application is premature and we feel that the OA can be disposed of at the admission stage itself with direction to respondents.

In the result, the OA is disposed of at the admission stage with a direction to appellate authority to disposed of the appeal dated 30/5/97 preferably within a period of 4 months from the date of receipt of this order. Copy of the order be communicated to appellate authority. The appellate authority may give a personal hearing and dispose of the appeal on merits. In the circumstances of the case, there will be no orders as to costs. Copy of the order be given to both the parties.



(P.P. SRIVASTAVA)
MEMBER (A)



(R. G. VAIDYANATHA)
VICE CHAIRMAN

abp.