

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 60/1998

Date of Decision: AUGUST 04, 1998.

Biharilal Bhagwati Prasad

Petitioner/s

Yadav,

Shri R. G. Bhore,

Advocate for the  
Petitioner/s

V/s.

Union Of India & Another,

Respondent/s

Shri V. S. Masurkar,

Advocate for the  
Respondent/s

CORAM:

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

Hon'ble Shri D. S. Baweja, Member (A).

- (1) To be referred to the Reporter or not ? *no*
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? *no*

*R. G. Vaidyanatha*  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN,

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 60/98.

Dated this Tuesday, the 4th day of August, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,  
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Biharilal Bhagwati Prasad Yadav,  
Residing at -  
Ajni, Nagpur.

Working as Driver,  
Under the control of  
C.C.C. (R), Central Railway,  
Ajni, Nagpur.

... Applicant

(By Advocate Shri R. G. Bhore).

VERSUS

1. Union Of India through  
The General Manager,  
Central Railway,  
Mumbai C.S.T.,  
Mumbai.

2. The Divisional Electrical  
Engineer TRS (O),  
Central Railway,  
Nagpur.

... Respondents.

(By Advocate Shri V.S. Masurkar)

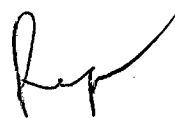
: OPEN COURT ORDER :

¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

In this application, the applicant is challenging the issuance of second charge-sheet as per the order of the Disciplinary Authority dated 12.09.1997. The respondents have filed reply opposing the application.

Now today, the case is called out for hearing

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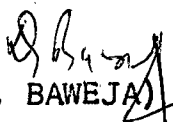



regarding admission. At this stage, the Learned Counsel for the respondents brings to our notice that in the second charge-sheet the applicant has participated in the enquiry and final order has been passed by the Disciplinary Authority on 31.07.1998 imposing the penalty of removal from service.

2. In view of the subsequent event, the present O.A. challenging the issuance of the charge-sheet is not maintainable. The applicant has to exhaust his statutory remedy of filing an appeal before the appropriate authority challenging the order dated 31.07.1998. If any adverse order is passed by the Appellate Authority, then it is open to the applicant to approach this Tribunal for appropriate reliefs according to law.

3. With the above observations, the O.A. is disposed of at the admission stage. All contentions of the applicant, on merits, are left open. No costs.

M.P. No. 439/98 does not survive since we have disposed of the O.A. at the admission stage.

  
(D. S. BAWEJA)  
MEMBER (A).

  
(R. G. VAIDYANATHA)  
VICE-CHAIRMAN.

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