

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 9.12.1993.

1. OA 1184/92

MUKTIYAR ... APPLICANT.

V/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

2. OA 1185/92

LADDU ... APPLICANT.

V/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

3. OA 1186/92

CHHITAR ... APPLICANT.

V/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

4. OA 1187/92

AKHTAR ... APPLICANT.

V/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. B.B. MAHAJAN, MEMBER (A).  
HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

For the Applicants ... SHRI J.K. KAUSHIK.

For the Respondents ... SHRI S.K. KALIA, CLA,  
Departmental Representative.

PER HON'BLE MR. B.B. MAHAJAN, MEMBER (A).

The applicants have filed these OAs against the order of removal from service dated 28.8.90. The respondents have, in their reply, taken the plea that the applicants had not exhausted the alternative remedy. The learned counsel for the applicants states that no appeal has been

preferred in this case, which is provided under the Railway Servants (Discipline & Appeal) Rules. In view of this, all these four applications are premature. The learned counsel for the applicants states that the applicants may now be permitted to file appeal against the order of removal dated 23.8.90.

2. We, accordingly, dispose of these OAs with the direction that in case the applicants file appeal against the impugned order within 30 days from the date of this order, the appellate authority shall consider the appeal on merits and not reject the same merely on the ground that the same has not been preferred within the prescribed time. The parties to bear their own costs.

*G. Krishna*  
( GOPAL KRISHNA )  
MEMBER (J)

*B.B. Mahajan*  
( B.B. MAHAJAN )  
MEMBER (A)