

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

Date of Decision : 23.4.2003.

O.A. No.14/2003.

Ismail S/o. Shri Manhe Khan aged about 47 years, resident of Purohit Ki Tapri, Kota Junction, Kota (Rajasthan). Last employed on the post of Helper Khallasi (Ticket No.9489) Workshop, Western Railway, Kota (Removed from Service).

...Applicant.

Versus

1. Union of India through General Manager Western Railway Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Chief Works Manager, Western Railway, Kota (Rajasthan).
4. Dy. Chief Mechanical Engineer, Western Railway, Kota.
5. Assistant Works Manager, (Repair) Western Railway, Kota.

...Respondents.

Mr.C.B.Sharma, counsel for applicant.
Mr.Shailesh Sharma, counsel for respondents.

CORAM :

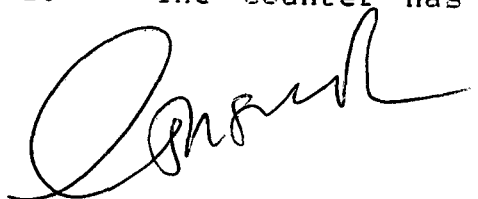
Hon'ble Mr.Justice G.L.Gupta, Vice-Chairman,
Hon'ble Mr.A.P.Nagrath, Member (A).

: O R D E R :

(Per Hon'ble Mr. Justice G.L.Gupta)

The challenge in this O.A. is to the order of removal dt. 6.8.2002 (Annexure - A-2). The removal order was passed on the ground that the applicant was convicted by the Criminal Court.

2. The counter has been filed, in which it is



averred that the applicant had alternative remedy to challenge the order of removal which he has not availed.

3. Rejoinder has also been filed.

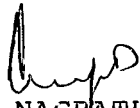
4. It is manifest that the applicant has approached this Tribunal without availing the opportunity of appeal available under the Railway Servants (Discipline & Appeal) Rules, 1968. Learned counsel for the applicants submits that the applicant may be permitted to prefer appeal before the Appellate Authority and a direction may be given to the Appellate Authority to decide the same without taking objection of limitation.

5. Having considered the submissions made by the learned counsel for the parties, we think that this is a fit case in which the applicant should be permitted to prefer an appeal against the order of removal. The applicant may file appeal within three weeks from today before the Appellate Authority. The Appellate Authority shall decide the same on merits within three months from the date of the presentation of the appeal without taking objection of limitation. The O.A. stands disposed of accordingly. No orders as to costs.

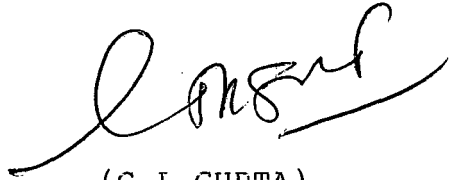
6. M.A. filed by R-2 becomes irrelevant in view

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of the order passed in the O.A. Accordingly, M.A.
also stands disposed of.


(A.P. NAGRATH)
MEMBER (A)

B.


(G.L. GUPTA)
VICE-CHAIRMAN