

(M)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No.175/1999

Date of order: 22.04.1999

Suresh Chand Yadav S/o late Shri Kishori Lal Yadav, aged around 36 years, resident of C-1/7, Road No.1, Ganpati Nagar, Jaipur.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Senior Dy. General Manager and Chief Vigilance Officer, Western Railway, Churchgate, Mumbai.
3. Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.

.. Respondents

Mr. Vinod Goyal, counsel for the applicant

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CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Adm. Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Suresh Chand Yadav, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 (for short the Act) seeking a direction to the respondents not to change his headquarter on the basis of the preliminary inquiry as also for a direction to revoke the order dated 11.12.1998 by which he was placed under suspension.

2. We have heard the counsel for the applicant and perused the records.

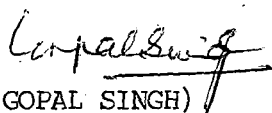
3. The applicant while working as Head Travelling Ticket Examiner was suspended vide an order dated 11.12.1998 on the basis of a preliminary inquiry in regard to an incident of 8.12.1998. The applicant apprehends that his headquarter may be changed or he may be

CKM transferred to some other place. Rule 18 of the Railway Servants

(Discipline and Appeal) Rules, 1968 (for short the Rules) provides for appeal against an order of suspension. Section 20 of the Act provides that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant has availed of all the remedies available to him under the Rules as to redressal of his grievances. The applicant has already served a notice for demand of justice on the General Manager, Western Railway, Churchgate, Mumbai vide Ann.A3 dated 16.3.1999. The applicant is present in person and states that he has already preferred an appeal to the appellate authority in accordance with Rule 18 of the Rules referred to above.

4. In the circumstances, we direct respondent No.2 to dispose of the applicant's appeal through a detailed speaking order on merits within a period of 3 months from the date of receipt of a copy of this order. The applicant shall be free to file a fresh OA, if so advised, after a decision is taken on his appeal.

5. The OA stands disposed of accordingly with no order as to costs.

  
(GOPAL SINGH)

Adm. Member

  
(GOPAL KRISHNA)

Vice Chairman