

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 80/2000

DATE OF ORDER: 25.9.2002

Sukh Singh son of Shri Moola aged 45 years inhabitant of Village & P.O. Gazipur, Tehsil Bayana, District Bharatpur (Rajasthan).

....Applicant.

VERSUS

1. Union of India through the General Manager, western Railway, Churchgate, Mumbai.
2. Sr. Divisional Engineer, Western Railway, Kota Division, Kota.

....Respondents.

Mr. Arvind Bhardwaj, Counsel for the applicant.

Mr. S.S. Hassan, Counsel for the respondents.

CORAM

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

Hon'ble Mr. A.P. Nagrath, Member (Administrative)

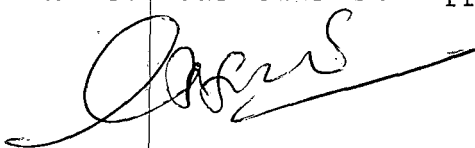
ORDER

PER MR. JUSTICE G.L. GUPTA

Through this OA, applicant calls in question the order of removal dated 10.2.1998.

2. Reply has been filed. In the reply, preliminary objection has been taken that the applicant had a remedy to file an appeal under Rule 19 of the Railway Servants (Discipline & Appeal) Rules, 1968 against the order of removal. It is also stated that case of the applicant is not maintainable under Section 20 of Administrative Tribunal's Act.

3. We have heard the learned counsel for the parties. It is obvious that the applicant has approached this Tribunal



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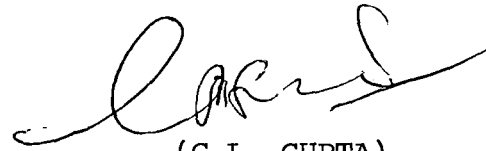
without availing the statutory remedy of appeal provided in the Rules.

4. The learned counsel for the applicant at this stage submits that he may be given permission to withdraw the OA with a liberty to prefer an appeal against the order of removal.

5. Consequently the application is dismissed as withdrawn. The applicant shall be given liberty to prefer an appeal against the order of removal. The respondents shall decide the said appeal within three months of its filing in accordance with rules.



(A.P. NAGRATH)
MEMBER (A)



(G.L. GUPTA)
VICE CHAIRMAN

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