

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 397/2002

DATE OF ORDER: 09.09.2003

Par Singh aged about 48 years son of Shri Vaisha Caste Bheel, Sr. Gangman, Gang No. 17 in the Control of Assistant Engineer, Shyamgarh, Western Railway. Resident of Kachchi Uriya Basti, Tullapura, Kota Junction.

... Applicant.

VERSUS

- 1: Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
- 2: Divisional Railway Manager, Western Railway, Kota Junction.
- 3: Assistant Engineer, Western Railway, Shyamgarh.

... Respondents.

Mr. Rajveer Sharma, Counsel for the applicant.

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

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant ^{while} working as Gangman was proceeded with departmental inquiry, which culminated into removal from service vide order dated 8.2.2001 (Annexure A/1). Aggrieved by the said order, the applicant has filed this OA whereby praying for the following reliefs:-

- "(i) Therefore, it is prayed that your Lordships may kindly be pleased to call for the entire relevant record and examine and it may further prayed that this OA may kindly be allowed and accept and by an order/direction command and mandamus your Lordships may kindly be pleased to quash and set aside ~~and~~ the impugned order or termination dated 8.2.2001 (Annexure A/1) and your Lordships may kindly be further pleased to direct the non-applicants to ~~be~~ reinstate the applicant in regular service of Senior Gangman with all consequential benefits.
- (ii) Any other relief, as may be considered appropriate and necessary in the facts and circumstances of the case, may also be granted.
- (iii) Cost of the application may be awarded to the applicant."

2. In the application, the applicant has further stated that against the removal order dated 8.2.2001, the applicant has filed an appeal dated 03.01.2002 (Annexure A/3) before respondent No. 2, Divisional Railway Manager, Western Railway, Kota Junction. The said appeal has not been decided till date.

3. The respondents have filed reply. It is not disputed that the appeal has been filed by the applicant, which is still pending. What has been stated in the reply is that the Appellate Authority of the applicant is Sr. Divisional Engineer (South), Kota. There is no such provision to submit the appeal before the Divisional Railway Manager, Kota in the case of the applicant and the Divisional Railway Manager is not the Appellate Authority.

4. We have heard the learned counsel for the parties.

5. In the facts & circumstances of the case we are of the view that let the Divisional Railway Manager, Western Railway, Kota, respondent No. 2, forward the appeal of the applicant to the Competent Authority within one month from the date of this order. The Appellate Authority will decide the appeal of the applicant by speaking and reasoned order within further period of two months from the date of receipt of such appeal in accordance with law.

6. With these directions, the present OA is disposed of at admission stage with no order as to costs.

~~(A.K. BHANDARI)~~
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)