

Central Administrative Tribunal  
Jabalpur Bench

OA No.713/06

Jabalpur, this the 30<sup>th</sup> day of October 2006.

CORAM

Hon'ble Dr.G.C.Srivastava, Vice Chairman  
Hon'ble Mr.A.K.Gaur, Judicial Member

R.m.Mishra  
S/o M.P.Mishra  
Dy.Chief Yard Master  
W.C.Railway  
Itarsi.  
R/o Gandhi Nagar,  
Near Gurunanak Dall Mill  
Itarsi.

Applicant

(By advocate Shri M.R.Chandra)

Versus

1. Union of India  
Through General Manager  
West Central Railway  
Jabalpur.
2. The Senior Divisional Operating Manager  
West Central Railway  
Bhopal.

Respondents

(By advocate Shri M.N.Banerjee)

O R D E R

By Dr.G.C.Srivastava, Vice Chairman

This OA has been filed, aggrieved by the order imposing penalty of compulsory retirement on the applicant. The applicant has not yet received the order. It is said to be under process of serving.

*In the disciplinary proceeding, G*

2. Inquiry has been undertaken again from the stage of recording of evidence in pursuance of order passed by the High Court on 9.5.2005 in Writ Petition No.11398/04.

*G*

3. Learned counsel for the applicant has stated that the punishment of compulsory retirement is arbitrary and disproportionate to the misconduct with which the applicant has been charged. The learned counsel has admitted that no appeal has been filed against the said order and the order has not yet been received by him.

4. Shri M.N.Banerjee, learned counsel appearing on behalf of the respondents has stated that the applicant did not accept the order which was pasted on the door of his residence. This has been denied by the learned counsel for the applicant. Shri Banerjee has also stated that the penalty of compulsory retirement has taken effect from 4<sup>th</sup> October 2006. Shri Banerjee has agreed to supply a copy of the punishment order to the learned counsel for the applicant within two days.

5. After receiving the punishment order, the applicant can prefer an appeal to the appellate authority as per rules. Since the applicant has approached this Tribunal without exhausting remedies available under rules, we are not inclined to entertain this OA.

6. Accordingly the OA is dismissed as premature.

*A.K.Gaur*  
(A.K.Gaur)  
Judicial Member

*Dr.G.C.Srivastava*  
(Dr.G.C.Srivastava)  
Vice Chairman

aa.

प्रांतिकन सं. ओ/व्या.....जबलपुर, दि.....  
प्रतिक्रिया अव्योगिता:-  
 (1) सचिव, उत्तर काशी-माल दार एवं विधायक, जबलपुर  
 (2) आदेशक एवं विधायक, जबलपुर  
 (3) प्रत्यार्थी एवं विधायक, जबलपुर  
 (4) बंगलाल, दो पट्टा, जबलपुर, बाराबर्दी  
 सूचना एवं आधिकारक कार्यालयों के द्वारा

*म. R. Chandra. J.D.*  
*M. H. Benoy. J.D.*  
*उप रजिस्ट्रार*

*1.11.06*