

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 312 of 2005

Indore this the 18th day of October 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Yogender Kumar Meena, S/o. Shri Mohanlal,
Aged-37 years, Occupation – Head Booking
Clerk, Gwalior Railway Station, R/o.-CM 25,
Deendayal Nagar, Gwalior.

.... Applicant

(By Advocate – Shri G.N. Jaiswal)

Versus

1. Union of India, through General Manager,
N.C. Railway, Asaf Ali Road, Allahabad (UP).

2. Divisional Railway Manager,
N.C. Rly., DRM Office, Jhansi (UP).

.... Respondents

(By Advocate – Shri S.K. Jain)

ORDER

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following main reliefs :

“(A) the findings of DA and punishment given by DA and the orders of the appellate authority Annexure A-8 and A-10 may kindly be quashed and the respondents may kindly be ordered to review the status of the applicant as it was just before the implementation of the penalty. All consequential benefits interms of arrears and interest thereon may kindly be awarded to the applicant,

(B) expences of the litigation Rs. 5000/- may please be awarded to the applicant from the respondents.”



2. The brief facts of the case are that the applicant was initially appointed as Commercial Clerk. He got two promotions. Thereafter a charge sheet dated 21.8.2002 was issued against the applicant (Annexure A-1) with the allegation that while on duty on 8.4.2002 when a preventive check by vigilance inspector was conducted in booking office Gwalior at about 11.25 Hrs. and the applicant was manning counter No. 2, he had declared Rs. 200/- private cash but produced Rs. 459/- as his actual private cash on hand but Rs. 259/- were found excess in his private cash. The applicant submitted his explanation. Thereafter, after completion of the departmental enquiry the enquiry officer did not found the applicant guilty. Thereafter the Senior DCM issued discordant note on the final order of the enquiry officer. The applicant had submitted reply to the show cause notice. But vide order dated 17.8.2004 (Annexure A-8) he was punished in terms of reducing to the lowest grade of Rs. 3200-4900/- at the initial stage of Rs. 3200/- for 3 years with cumulative effect from present existing grade of Rs. 5000-8000/- of head booking clerk. He filed the appeal and the appellate authority reduced the punishment to reversion in the grade of Rs. 4000-6000/- fixing pay at Rs. 4800/- for a period of 2 years with cumulative effect vide order dated 6.10.2004. Hence, he has filed this Original Application.

3. Heard the learned counsel for the parties.

4. It is argued on behalf of the respondents that the applicant has not filed the revision petition against the order passed by the appellate authority and without availing all the statutory remedies available to him he has approached this Tribunal. He further submitted that the applicant be first directed to avail all the departmental remedies i.e. filing of the revision petition and thereafter if he still feels aggrieved he can approach the Tribunal.

5. In reply the learned counsel for the applicant argued that filing of the revision petition is not mandatory.



6. After hearing the learned counsel for both the parties, we find that according to the order passed by the Principal Bench of the Tribunal in OA No. 2113/2002 dated 22nd April, 2003, the revision petition should be filed against the order of the appellate authority.

7. Thus, without going into the merits of the case we direct the applicant to file the revision petition against the order of the appellate authority to the revision authority within a period of one month from the date of receipt of a copy of this order. If he complies with this then the revisional authority is directed to consider and decide the said revision petition filed by the applicant within a period of two months from the date of receipt the revision petition from the applicant by passing a speaking, detailed and reasoned order. We however, make it clear that the revisional authority will not take the plea of limitation and will decide the revision petition on merits.

8. Accordingly, the Original Application stands disposed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठान्तर सं. ओ/..... जलपूर, दि.....

प्रतिलिपि आगे शिलः—

- (1) सचिव, उच्च न्यायालय का एलेक्ट्रिशियन, जबलपुर
(2) आवंटक श्री/श्रीमती/कु..... के कारखाना
(3) पेशवा श्री/श्रीमती/कु..... के कारखाना
(4) मशायदा, कं.प्र.अ., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

E. M. Jarwood
Dated
S. K. J. J. J. J. J.
G. W.