

Central Administrative Tribunal  
Jabalpur Bench

OA No.641/05

Jabalpur, this the 14<sup>th</sup> day of December 2005.

C O R A M

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

A.K.Sinha  
S/o Shri N.K.Prasad  
Deputy Station Supdt. (Commercial)  
Railway Station  
Gwalior.  
R/o 9, Sheetal Colony  
Balwant Nagar  
Gwlior.

Applicant

(By advocate Shri G.N.Jaiswal)

Versus

1. Union of India through  
General Manager  
N.C.Railway Nawab Yusuf Road  
Allahabad.
2. Divisional Railway Manager  
N.C.Railway, DRM Office  
Jhansi.

Respondents.

(By advocate Shri S.K Jain)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) Quash the penalty of reduction by 2 stages below for a period of 2 years with cumulative effect reducing pay from Rs.6900 to 6550 in grade Rs.5500-9000 as per A7. Also quash the revised punishment of withholding of increment for a period of 3 years with cumulative effect.



(ii) Direct the respondents to grant the status of the applicant as it was just before the implementation of the penalty with consequential benefits.

2. The brief facts of the case are that the applicant was initially appointed as Commercial Inspector in Grade Rs.1600-2660 (revised as Rs.5500-9000) . He worked on various posts in Jabalpur Division and is now working as Deputy Station Supdt.(Commercial), Gwalior from August 2003. The applicant was issued a charge sheet dated 2.7.03. The charges were that tickets indents for passenger card tickets for Manikpur Station were scheduled to be submitted six monthly on 21 May & 21 Nov.2002, which could not be submitted on due dates as a result of which tickets for 35 stations were exhausted. The enquiry officer, appointed by the disciplinary authority conducted the enquiry and submitted his report to the disciplinary authority (Annexure A3). This report was sent to the applicant on 30.11.2004. Applicant submitted his explanation on 21.12.04. The applicant was working with shortage of staff against sanctioned strength of 9 as per DRM letter dated 24.9.97. The disciplinary authority imposed on the applicant the penalty of reduction in present scale by 2 stages below for a period of 2 years with cumulative effect by reducing his pay from Rs.69000 to 6550 in grade Rs.5500-9000 vide Annexure A7 letter dated 17.1.2005. On appeal, the punishment was reduced to that of withholding of increment for a period of 3 years with cumulative effect. The applicant was penalized prejudicially by the disciplinary authority, which is against equity and natural justice. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the respondents that the applicant has not filed a revision petition against the order passed by the appellate authority dated 3.2.05 (Annexure A9) and without availing the statutory remedy available to him, he has approached the Tribunal. He further submitted that the applicant should be directed to avail all departmental remedies i.e.



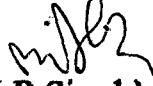
filings of the revision petition and thereafter, if he still feels aggrieved, he can approach the Tribunal.

4. Learned counsel for the applicant submitted that filing of the revision petition is not mandatory.

5. After hearing learned counsel for both parties, we find according to the order passed by the Principal Bench of the Tribunal, New Delhi in OA No. 213/02 dated 22<sup>nd</sup> April 2003, revision petition should be filed against the order of the appellate authority. Thus, without going into the merits of the case, we direct the applicant to file a revision petition against the order of the appellate authority to the revisional authority within 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 on merit within two months from the date of receipt of 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.

6. The OA stands disposed of. No costs.

  
(Madan Mohan)  
Judicial member

  
(M.P. Singh)  
Vice Chairman

aa.

प्राप्तिकर्ता सं. अो/न्या..... जबलपुर, दि.....  
प. निराकारि. पि. निराकारि. —  
(1) सचिव, उत्तर प्रदेश न्यू एड्मिनिस्ट्रेशन, जबलपुर  
(2) आवेदन दर्ता, जबलपुर  
(3) प्रस्तावी प्र/स, जबलपुर के काउंसल  
(4) वांगमता, जबलपुर के काउंसल  
संचयना एवं उपलब्धिकरण कार्यालय, जबलपुर  
11/2 उप रजिस्ट्रार  
9.10.2003  
S. K. Jain  
23/2/2003

