

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR**

Original Application No. 966 of 2004

Jabalpur, this the 4th day of August, 2005

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

Mahesh S/o. Babulal, aged about 41 years,
Working as Khalasi, Office of the Karya
Nirikshak, West Central Railway,
Guna, M.P.

.... Applicant

(By Advocate – Shri Rahul Rawat)

V e r s u s

1. Union of India, through Secretary,
Dept. of Railway, Rail Bhawan,
New Delhi.
2. General Manager, West Central
Railway, Jabalpur, M.P.
3. Divisional Railway Manager, West
Central Railway, Bhopal, M.P. Respondents

(By Advocate – Shri M.N. Banerjee)

O R D E R (Oral)

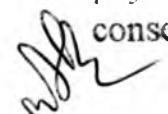
Bv M.P. Singh, Vice Chairman –

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

"(i) treat the suspension period from 31.5.96 to 16.8.96 as regular duty period,

(ii) declare the degradation of the applicant as illegal quashing the alleged enquiry and its findings,

(iii) direct the respondents to pay regular salary from 31.5.96 and pay the arrears of such salary with interest @ 18% and all consequential benefits,



(iv) command the respondents to pay applicant compensation towards mental agonies and physical and financial hardships,

(v) transfer the applicant to his original post at Harda as he has not committed any misconduct.”

2. The brief facts of the case are that the applicant is working with the respondents Railways as a Khalasi. He was charge sheeted and an enquiry was conducted against him. The disciplinary authority after considering the finding of the enquiry officer has imposed the penalty of reduction to the lower pay scale from Rs. 800-1150/- to Rs. 750-940/- and fixed the pay scale of the applicant at Rs. 750/-.

3. The respondents in their reply have stated that the applicant has not preferred any appeal against the order of the disciplinary authority and thus this Original Application is not maintainable and is liable to be dismissed on this ground alone.

4. We have heard the learned counsel for the parties and have given careful consideration to the rival contentions made on behalf of the parties. We find that a penalty of reduction to the lower pay scale from Rs. 800-1150/- to Rs. 750-940/- has been imposed on the applicant vide order dated 8.8.1996 by the respondents. The applicant has not availed the departmental remedies available to him i.e. filing of the appeal against the order of the disciplinary authority, before approaching this Tribunal.

5. In view of the above, we feel that ends of justice would be met if we direct the applicant to prefer an appeal against the order of the disciplinary authority within a period of two months from the date of receipt of a copy of this order. We do so accordingly. If the applicant complies with this, the respondents are directed to consider and decide the said appeal of the applicant by passing a speaking, detailed and reasoned order within a period of three months from the date of receipt of the



appeal from the applicant. It is made clear that the respondents while deciding the appeal of the applicant will not take the plea of limitation.

6. Accordingly, the Original Application stands disposed of. No costs.


(Madan Mohan)
 Judicial Member


(M.P. Singh)
 Vice Chairman

"SA"

पृठांकन सं ओ/न्या....., जबलपुर, दि.....
 पतिलिपि अयो लिल :—
 (1) सदिज, उच्च न्यायालय दार एसोसिएशन, जबलपुर
 (2) आवेदक श्री/श्रीमती/कु..... के काउंसल
 (3) प्रत्यार्पी श्री/श्रीमती/कु..... के काउंसल
 (4) विवाहित, नो.प्र.31, जबलपुर व्यापारी
 संघ एवं आवश्यक कार्यवाही हेतु

..... अप रजिस्ट्रर

Rahul Rawat
DR. Gul
M. Bawali
PN DB

दिन: १८/१०/२०१४
 माह: सितम्बर
 वर्ष: २०१४ ईसा.

उप रजिस्ट्रर
 DY. REGISTRAR
 केन्द्रीय प्रायालय अधिकरण
 CENTRAL ADMINISTRATIVE TRIBUNAL
 जबलपुर बैच्च, २०१४
 JABALPUR BENCH, JABALPUR

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