

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 345 of 2003

Jabalpur, this the 7th day of October, 2004

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

Girdharilal Raikwar, S/o. Shri
Mukundilal Raikwar, aged about 52
years, R/o. Bhagat Singh Ward, 25,
Post Bina, District Sagar, MP. ... Applicant

(By Advocate - Shri P.K. Kaurav on behalf of Smt. N.
Nayak)

V e r s u s

1. The Union of India, through the
Secretary, Department of Railways,
New Delhi.
2. The Divisional Railway Manager,
Bhopal Division, DRM Office, West
Central Railway, Bhopal.
3. The Sr. Divisional Engineer, West
Central Railways, Bhopal.
4. The Divisional Engineer, West Central
Railways, Bhopal.
5. The General Manager, West Central
Railway, Indira Market,
Jabalpur, MP. ... Respondents

(By Advocate - Shri H.B. Shrivastava through Shri M.N.
Banerjee)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

"b) set aside the order dated 08.08.2003, which
order of demotion of 3 years,

c) direct to the respondent to treat him as
SDM continuously without any any pray and the
period of absence which is being treated as dies
none may also be quashed."


2. The brief facts of the case are that the applicant
was working with the respondents Railways as SDM. While
he was working as such a charge sheet was issued against

him for unauthorised absence from duty. The enquiry was held against him and the disciplinary authority vide order dated 21st October, 2002 (Annexure P-6) has removed him from service. The applicant has filed an appeal challenging the order of the disciplinary authority. The appellate authority vide its order dated 8th August, 2003 has modified the order of the disciplinary authority to extent by reverting the applicant from the grade of Rs. 4500-7000/- to Rs. 4000-6000/- and kept him in the lowest stage of pay i.e. at Rs. 4000/- for a period of three years with cumulative effect. The applicant has challenged this order by filing this OA.

3. Heard the learned counsel for the parties and perused the records.

4. During the course of argument the learned counsel for the respondents stated that the applicant has not availed all departmental remedies i.e. he has not filed the revision petition and before availing all the statutory remedy, the applicant has approached this Tribunal. He further submitted that the applicant be therefore, directed to first avail all the departmental remedies by way of filing revision petition before coming to the Tribunal. In support of his argument he has drawn out attention to the judgment passed by the Principal Bench of this Tribunal on 22nd April, 2003 in OA No. 2113/2002. The learned counsel for the applicant agrees to the suggestion made by the learned counsel for the respondents.

5. We, therefore, without going into the merits of the case, direct the applicant to file a revision petition to



the respondents, within two months from today. If he complies with this, then the respondents are directed to consider and decide the revision petition of the applicant within three months from the date of receipt of such revision petition by passing a speaking, detailed and reasoned order. We, however, make it clear that the respondents will not take the plea of limitation.

6. In view of the aforesaid terms the Original Application is disposed of. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....
पति/सिद्धि कार्य भित:-

(1) सचिव, उच्च न्यायालय, जबलपुर

(2) उपाधीक्षक, जबलपुर

(3) प्रमुख, जबलपुर

(4) सचिव, जबलपुर

सूचना एवं औपचारिक कार्य के लिए

उप रजिस्ट्रार

Smt. Nirmanika Nayak

M.B. Shrivastava

7/10/04
12-10-04