

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  
nona may also be quashed."

2. The brief facts of the case are that the applicant  
was working with the respondents Railways as SQM. 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.....  
परिवर्तनी समिति द्वारा दिला:-

(1) सचिव, उच्च अदायक विभाग, अधिकारिताल, जबलपुर  
(2) अदायक विभाग, जबलपुर  
(3) प्राप्ति विभाग, जबलपुर  
(4) अदायक विभाग, जबलपुर

सूचना एवं अंदायक विभाग, जबलपुर  
Sw. Nirmita Nagarkar

12/10/04 M.B. Shrivastava

उप रजिस्ट्रार

Issued  
on  
12/10/04