

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 270 of 2002

Jabalpur, this the 1st day of September, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

P.N. Tiwari, aged about 57 years,  
Head T.T.E. Chhindwara, S.E. Rly.,  
Vaman Patel Colony, Purana Narsinghpur  
Naka, Narsingpur Road, Chhindwara

APPLICANT

(By Advocate - Shri M.R. Chandra)

VERSUS

1. The Union of India (through)  
The General Manager S.E. Rly.,  
Garden Reach Road, Calcutta(Kolkata)
2. The Chief Commercial Manager,  
S.E. Rly., 14 Strand Road,  
Kolkata.
3. Asstt: Divisional Rly, Manager  
S.E. Railway, Nagpur, Maharashtra.
4. Divisional Commercial Manager,  
S.E. Rly Nagpur, Maharashtra

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

By this Original Application the applicant has prayed for quashing of the penalty order(Annexure-A-1) and the order of the appellate authority (Annexure-A-2) dismissing the appeal.

2. During the course of arguments, learned counsel for the applicant pointed out that against the appellate order the applicant has already preferred a revision-petition (copy Annexure-A-8) but the same has not yet been decided by the appropriate authority.

3. The learned counsel of the respondents submitted that without waiting for the decision on

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the revision-petition the applicant has filed the O.A., hence the O.A. is premature.

4. Counsel for the parties have been heard.

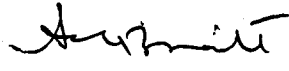
5. It is not known whether during the pendency of the OA, the revision-petition has been decided or not. The learned counsel for the applicant informs that he has not received any communication in regard to orders passed on the revision-petition.

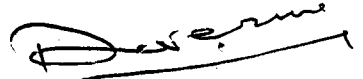
6. Initially, it is for the departmental-authorities to pass an appropriate order on the revision-petition. The applicant can come to the Tribunal only after exhausting his departmental remedy. The revision-petition was filed on 20.2.2001. The applicant waited for six months and thereafter filed this OA in March, 2002. Consequently, the OA cannot be said to be premature. However, in our view it would be appropriate if the revisional authority considers the grounds taken in the revision-petition and passes an appropriate order thereon. The applicant will, in case of any grievance thereto, be free to approach the Tribunal.

7. In view of the above, the O.A. is disposed of with a direction to the appropriate revisional authority to decide the revision-petition (Copy Annexure A-8) within a period of two months from the date of communication of this order. The decision so taken shall be communicated to the applicant. In case of any grievance, the applicant would be at liberty to proceed as may be advised. The applicant shall along with a copy of this order send a copy of the revision-petition

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(copy Annexure-A-8) for ready reference to the appropriate revisional authority. Costs easy.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(D.C. Verma)  
Vice Chairman(Judicial)

rkv.

पृष्ठसंख्या सं ओ/न्या.....जयपुर, दि.....  
पत्तिलिपि अद्यो धितः--

(1) सचिव, उच्च न्यायालय जयपुर

(2) आदेशिका श्री/श्रीमती/पं. ....

(3) पं. ....

(4) ....

MR. Chandra Adar

MR. Banerji Adar

  
10/9/03

Received  
17/9/03