

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 644 of 1998

Jabalpur, this the 30th day of July 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Kavingal Narayanan Kutty aged  
about 62 years S/o Late  
M.M.Menon Occupation retired  
Chief Permanent way Inspector  
S.E. Rly. Chhindwara  
R/o Shivam Sudar Nagar Chakar  
Road Chhindwar District  
Chhindwara (MP)

APPLICANT

(By Advocate -

VERSUS

1. Union of India  
Through General Manager,  
South Eastern Rly. Garden Reach  
Calcutta-43 (W.B.)
2. Divisional Railway Manager,  
S.E. Rly, Nagpur (MS)
3. Sr. Divisional Engineer  
S.E. Rly, Nagpur (MS)

RESPONDENTS

(By Advocate -

ORDER (ORAL)

By J.K. Kaushik, Judicial Member-

Shri Kavingal Narayan Kutty has filed this Original Application under section 19 of the Administrative Tribunal Act, 1985, challenging order of penalty dated 30.6.1998 (Annexure 2) by which he has been held <sup>guilty</sup> for shortage of Rs. 1,86,997.00 and this amount is required to be recovered from him.

2. The brief facts of this case are that the applicant was issued a charge sheet and a detailed enquiry was conducted in the matter and the disciplinary proceedings have been culminated in imposition of aforesaid penalty.

*Dr.*


The applicant preferred an appeal (Annexure A-8) to the appellate authority.


3. In the reply of the respondents (para 17) it is stated that the applicant himself accepted that his so-called appeal is pending before the appellate authority. As such he has not exhausted the departmental remedies. It is also averred that in spite of the instructions furnished in the punishment notice, he has preferred the appeal to DRM but his actual appellate authority is ADRM.

4. We have also enquired from the learned counsel for the parties regarding disposal of the appeal and found that the appeal has not been so far disposed of.

5. The matter could be looked on other angle also. After the admission of this case, the respondents could not have decided the appeal, in view of the embargo under section 19 (4) Administrative Tribunals Act keeping in view the peculiar facts and circumstances of the case, we deemed it proper to direct the appellate authority to decide the appeal in accordance with Rule 22(2) of the Railway Servants (Discipline and Appeal) Rules 1968. The applicant shall be given personal hearing at the time of deciding the appeal. A copy of the detailed appeal is annexed with the paper book at Annexure A/8. In this view of the matter we dispose of the original Application as under-

" The appeal shall be treated as addressed to the ADRM who shall decide the appeal in accordance with law by treating the same within limitation within a period of 2 months from the date of receipt of a copy of this order. In case the applicant is still aggrieved by any adverse order passed on the appeal by the aforesaid appellate authority, the applicant shall be at liberty to agitate the matter afresh and he is allowed to take all the grounds raised in this Original Application. The Original Application is stands disposed of. No costs.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(J.K. Kaushik)  
Judicial Member