

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : GWALIOR

Original Application No. 750 of 1998

Gwalior, this the 17th day of July, 2003.

Hon'ble Shri Kuldip Singh-Judicial Member
Hon'ble Shri Anand Kumar Bhatt-Administrative Member

J.P.Singh, S/o Shri Mahawir Singh,
Station Supt.Ashok Nagar,Dist.Guna M.P.
(By Advocate - None)

- APPLICANT

Versus

Union of India Through :

1. The General Manager, Central Railway,
Mumbai C.S.T.
2. The Senior Divisional Operating Manager,
Central Railway, Bhopal

- RESPONDENTS

(By Advocate - Shri S.P.Sinha)

O R D E R (Oral)

By Kuldip Singh, Judicial Member -

As none is present on behalf of the applicant, we are deciding this case on merits after hearing the learned counsel of the respondents, in terms of Rule 15(1) of Central Administrative Tribunal (Procedure)Rules,1987.

2. The applicant has filed this O.A. assailing the order dated 3/5.7.1998 passed by the disciplinary authority. Though the applicant has taken several grounds to challenge the same but in his OA he has also mentioned that he had filed ^{an} appeal against the order passed by the disciplinary authority which was also dismissed vide order dated 1.8.1998 (Annexure-A-8). In the return filed by the respondents it is mentioned that the revision-petition filed by the applicant against the appellate order has also been rejected vide order dated 16.11.1999.

3. We find that the applicant in this O.A. has neither challenged the appellate order nor the revisional

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order. It is a well settled law that the order passed by the disciplinary authority stands merged into the order passed by the appellate authority which has also been upheld by the revisional authority. So, unless the applicant challenges the order passed by the appellate authority, the applicant cannot assail the order passed by the disciplinary authority. Since it was in the very knowledge of the applicant at the time of filing of the OA itself that the appeal has been decided and he also annexed the appellate order at Annexure-A-8 along with the OA, so failure on the part of the applicant to assail the order passed by the appellate authority shows that the applicant had no grounds to challenge the order passed by the appellate authority.

4. Besides that, the learned counsel appearing for the respondents had placed on record a letter dated 25.6.1998 written by the applicant wherein he had submitted his mercy request and had asked for setting aside of the penalty order. In the said letter the applicant admits his responsibility for the irregularities committed and has also submitted his apology. He has stated that-

“अपनी गलत व अनियमित्ता के लिये मै नेतिक रूप से जिम्मेदारी स्वीकार करता हूँ”

In view of this admission on the part of the applicant himself, we find that this application has no merit and it is accordingly dismissed. No costs.


(Anand Kumar Bhatt)
Administrative Member

rkv.


(Kuldip Singh)
Judicial Member

पृष्ठांकन सं ओ/न्या..... ज्वलपुर. दि.....

(1) श्रीमति रामेश्वरा, ज्वलपुर
(2) ३ के काउंसल
(3) के काउंसल
(4) द्वारा सूचना एवं आवश्यक कागदाई हेतु

T. C. Singhvi Adm. / 11/11/1964
SP Singhvi Adm. / 11/11/1964
T. C. Singhvi Adm. / 11/11/1964
उप. राजस्वार 12/11/1964

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