

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 24th day of December, 2008

ORIGINAL APPLICATION No.506/2008

CORAM:

HON'BLE MR. M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L.KHATRI, ADMINISTRATIVE MEMBER

Pawan Kumar Upadhyay
s/o Shri Shiv Kumar Upadhyay,
r/o Q.No.T-3, Railway Station Mandpia (NWR)
District Bhilwara (Rajasthan),
presently working as Station Superintendent,
(Emp ID 16305840) at Railway Station
Mandpia, District Bhilwara
(Rajasthan)

..Applicant

(By Advocate: Shri S.K.Singodia)

Versus

1. The Union of India through
the General Manager,
North Western Railway,
Jaipur
2. The Senior Divisional Railway Manager,
Division Office,
Ajmer (NWR).
3. The Station Superintending Engineer,
Railway Station Mandpia,
District Bhilwara
(Rajasthan)

.. Respondents

(By Advocate: ..)

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O R D E R (ORAL)

The applicant has filed this OA challenging the order whereby he has been placed under suspension and his Headquarter has also been changed. As can be seen from Rule 18(1) of the Railway Servants (Discipline and Appeal) Rules, 1968, the said order is appealable. Thus in view of the law laid down by the Hon'ble Apex Court in the case of S.S.Rathore Vs. State of M.P., AIR 1990 SC 10, the cause of action shall be taken to arise not from the date of the original adverse order but on the date when the order of the higher authority where a statutory remedy is provided entertaining the appeal or representation is made and where no such order is made, though the remedy has been availed of a six months period from the date of preferring of the appeal of making of the representation shall be taken to be the date when cause of action shall be taken to have first arisen.

2. In view of what has been stated above, we are of the view that the present OA is premature. It will be open for the applicant to file appeal to the appellate authority within the statutory period and in case such appeal is filed, the same shall be entertained and disposed of by the appellate authority by passing a reasoned and speaking order within a period of one month from the date of receipt of the appeal.

3. With these observations, the OA is disposed of at admission stage. It is made clear that we have not gone into merit of the case and this case is being disposed of simply on the ground that the OA cannot be entertained without exhausting the statutory remedy of appeal.



(B.L.KHATRI)

Admv. Member



(M.L.CHAUHAN)

Judl.Member

R/