

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 06th day of October, 2010

ORIGINAL APPLICATION NO. 359/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER.

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Leela son of Shri Har Sahai aged about 50 years, resident of Village and Post Sudarshanpada, Near Biwai Station, District Dausa and removed from Services from the post of LRGK (Leave Reserve Gate Keeper), Gang No. 17, Station Biwai under Section Engineer (PWI), North Central Railway, Bandikui.

.....Applicant

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India, General Manager, North Central Zone, North Central Railway, Allahabad (UP).
2. Divisional Railway Manager (P), North Central Railway, Agra Division, Agra (UP).
3. Divisional Engineer II, North Central Railway, Id-gah, Agra (UP).
4. Assistant Divisional Engineer (Line), North Central Railway, Id-gah, Agra (UP).
5. Section Engineer (Public Way), North Central Railway, Bandikui.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby challenging the order of removal passed by the Disciplinary Authority vide order 20.08.2009 (Annexure A/1). The applicant has not filed any statutory appeal, as provided under the rules. Thus in view of the law laid down by the 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 order but from the date when the order on statutory appeal is passed. Thus according to us, the present OA is pre-mature and

cannot be entertained at this stage. Accordingly, the applicant is directed to file statutory appeal in terms of Rule 18 & 19 of the Railway Servants (Discipline & Appeal) Rules before the Appellate Authority within a period of four weeks. In case such an appeal is filed within a period of four weeks from today, the Appellate Authority shall consider the same on merit and dispose of the same expeditiously and as far as possible within a period of four months from the date of receipt of the copy of the appeal.

2. With these observations, the OA is disposed of at admission stage with no order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

AHQ

M.L. Chauhan

(M.L. CHAUHAN)
MEMBER (J)