

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

This is the **14TH** day of **AUGUST, 2018**.

ORIGINAL APPLICATION NO. 330/780/2018

HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J).
HON'BLE MR MOHD JAMSHED, MEMBER (A).

1. Bacchu Lal Patel, aged about 59 years, S/o Shri Benideen, R/o Village and Post Soraon, District - Allahabad.
.....Applicant.

VERSUS

1. Union of India through General Manager Head Quarter North Central Railway, Subedarganj, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. Additional Divisional Railway Manager, North Central Railway, Allahabad.
4. Senior Divisional Operating Manager (Goods), North Central Railway, Allahabad.

.....Respondents

Advocate for the Applicant : Shri S.M. Ali

Advocate for the Respondents : Shri S M Mishra

O R D E R

(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

The present Original Application (OA) has been filed against the impugned order of compulsory retirement dated 16.10.2017 (Annexure No. A-1 to the OA) passed by the Sr. DOM, Allahabad and against the appellate order dated 17.04.2018 (Annexure No. A-2 to the OA) passed by the ADRM Allahabad.

2. At the outset learned counsel for the respondents submitted that the OA is not maintainable as the applicant has not exhausted the alternative remedy of filing revision before the respondents. In this regard, he placed reliance on the order dated 05.07.2018 passed in OA No. 637 of 2018. The relevant portion of the order dated 05.07.2018 is quoted below:-

"7. Hence, in view of the above, we are of the view that this OA is not maintainable unless the remedy of revision is exhausted by the applicant.

8. Consequently, the OA is dismissed, at the admission stage itself, as not maintainable with liberty to the applicant to prefer the Revision before the Revisional Authority within a period of 30 days from the date of this Order and in case any such Revision is filed, same shall be disposed of by the competent Revisional Authority

within further period of three months by passing a reasoned and speaking order, under intimation to the applicant."

3. At this point, learned counsel for the applicant prays for liberty to file revision before the respondents/competent authority and requests that a direction be issued to the respondents to decide the revision in a time bound manner.

4. In view of the contentions made by the counsels for the parties, the OA is disposed of with the direction to the applicant to submit a revision along with certified copy of this Order within three days to the respondents/competent authority. Thereafter, the respondents/competent authority shall decide the revision by passing a reasoned and speaking order within a month from the date of receipt of the revision and the certified copy of this order.

5. It is made clear that we have not entered into the merits of the case. No order as to costs.

(MOHD JAMSHED)
MEMBER-A

(RAKESH SAGAR JAIN)
MEMBER-J

Arun..