

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

O.A. 576/2018

Dated this Thursday the 04th day of October, 2018

**Coram: Hon'ble Dr. Bhagwan Sahai, Member (A).
Hon'ble Shri R. N. Singh, Member (J).**

1. Ghanashyam Hiranman Gadikar
Ex-Chief Train Ticket Inspector,
Divisional Office Commercial Branch,
C.S.T. Mumbai-400 001.
age 60 years, Occu. Pensioner,
residing at, C/o Mayuresh Gadikar
909/B, Jupiter, Galaxy Residency,
Near Mangeshi Flora, Rambaug 4 lane End,
Kalyan (West), District Thane-422301.
...Applicant.

(By Advocate Shri J. M. Tanpure).

Versus

1. Union of India,
through The General Manager,
Central Railway, CSTM,
Mumbai-400 001.
2. The Sr. Divisional Commercial Manager,
Divisional Office,
Commercial Branch, Central Railway,
CSTM, Mumbai- 400 001.
3. The Officer on Special Duty (S)
Appellate Authority, Central Railway,
CSTM, Mumbai-400 001.
4. The Principal Chief Commercial Manager,
Central Railway, CSTM,
Mumbai-400 001.
5. The Divisional Railway Manager (Personnel),
Central Railway, CSTM,
Mumbai-400 001.
... Respondents.

O R D E R (O R A L)

Per : R. N. Singh, Member (Judicial)

Present.

1. Shri J. M. Tanpure, learned counsel for the

applicant. Heard him.

2. By this OA, the applicant who has earlier been working as Ex-Chief Train Ticket Inspector in the Divisional Office, Commercial Branch, CSTM, Mumbai had filed the present OA challenging the order dated 05.03.2018 by which a penalty of compulsory retirement was inflicted upon him and the same has been forwarded to him by a letter dated 07.03.2018, both marked as (Annexure A-1) to the OA.

3. A letter dated 07.03.2018 reads as under:-

" *CENTRAL RAILWAY*

*DIVISIONAL OFFICE
COMMERCIAL BRANCH
CSTM MUMBAI*

No.BB.C.CON.48.2015.32

*Shri G.H.Gadikar
CTI CSTM*

*Sub: Suo-Moto Revision under Rule 25(1)
of RS (D&A) Rules, 1968.*

*Ref: Your representation dated 06.10.2017
against the show-cause memorandum issued
by Revising Authority - PCCM CSMT.*

*With reference to the above, copy of
PCCM's order dated 05.03.2018 in original
is enclosed.*

*Under Rule 18(iii) of Railway Servants
(Discipline & Appeal) Rules, 1968 an
appeal against these orders lies with **AGM
Central Railway.***

*The appeal shall be preferred in your
name and under your own signature and
presented within 45 days from the date of
receipt of these orders to the Appellate
Authority sending a copy of the same to
the undersigned.*

The appeal shall be complete in itself and shall contain all material statements and arguments on which you rely and shall not contain any disrespectful or improper language.

Please ack: the receipt.

*(Prakash Kanojia)
DCM (PL&TC) CSTM
- /DRM (C) CSMT"*

4. On perusal of aforesaid letter dated 07.03.2018 it is clear that against the impugned order of penalty dated 05.03.2018 the applicant was required and advised for filing of an appeal under Rule-18 (iii) of Railway Servants (Discipline and Appeal) Rules, 1968 within 45 days from the date of receipt of such orders to the Appellate Authority i.e. A.G.M., Central Railway.

5. The learned counsel for the applicant fairly admits that the applicant has not referred the requisite appeal before the A.G.M., Central Railway in response to the letter dated 07.03.2018.

6. The learned counsel for the applicant submits that the applicant will be satisfied if he is given an opportunity at this stage to prefer the requisite appeal under Rule-18 (iii) of Railway Servants (Discipline and Appeal) Rules, 1968 against the aforesaid penalty order dated 05.03.2018 before the Assistant General Manager, Central Railway within 15 days from the date of receipt of this order and on his such appeal, a direction is given to the Appellate

Authority to consider such appeal on merit and decide the same by passing a reasoned and speaking order in accordance with the relevant rules and instructions within 60 days. In view of the aforesaid and also the fact that the applicant could not preferred the aforesaid statutory appeal because of inappropriate advice, the applicant seeks condonation of the delay in filing the appeal.

7. The OA is, therefore, disposed of at the Admission stage itself with following directions; if the applicant prefers the requisite statutory Appeal to the A.G.M., Central Railway within 15 days from the receipt of this order against the above penalty order dated 05.03.2018, it shall be considered on merit taking into account all the contentions of the applicant made in such appeal by passing a reasoned and speaking order in accordance with law within 60 days from the date of receipt of this order. Delay in filing of the said appeal from 7th March'2018 shall be condoned by the Appellate Authority if the same is filed within 15 days of receipt of this order.

8. In the aforesaid terms, the OA is, disposed of. No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

V.