

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00671/2019

Dated Wednesday the 12th day of June Two Thousand Nineteen

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

C.Selvam,
Dy. Chief Engineer/TMS,
(Track Management System),
H.Qtrs/Southern Railway,
Chennai 600003.Applicant

By Advocate M/s. Ratio Legis

Vs

1.Union of India rep by,
The Secretary,
Ministry of Railways,
Rail Bhavan, New Delhi.

2.The General Manager,
Southern Railway,
Park Town,
Chennai 600003.

3.The Under Secretary,
UPSC, Dholpur House,
Shajahan Road, New Delhi.Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following relief :

"To call for the records related to impugned penalty advice No. P (G) CON/4/2017 dated 27.03.2019, the charge memorandum and the entire enquiry proceedings issued by the respondents and to quash the penalty order and to pass such other order/orders as this Tribunal may deem fit and proper and thus to render justice."

2. It is submitted that the applicant had been imposed with a minor penalty of withholding three sets of privilege passes due for the year 2019 by Annexure A5 order of the disciplinary authority dt. 27.03.2019. The applicant had not been issued any show cause notice nor was he provided with a copy of the findings, if any of the inquiry conducted against him. Accordingly, the impugned memorandum is vitiated for non observance of requisite procedure and is liable to be set aside, it is alleged.

3. Mr. P. Srinivasan, standing counsel takes notice for the respondents and submits that the applicant had not exhausted his 'appeal-remedy' within the department. Attention is drawn to the mention of this in the impugned order itself wherein it is stated that appeal, if any had to be submitted to the Railway Board within 45 days from the date of receipt of the memorandum.

4. We have considered the matter. Keeping in view the nature of the allegation made by the applicant, we are of the view that the applicant could be allowed one week's time from today to file the appeal to the competent authority against the impugned order. We are not inclined to go into the merits of the case

when the applicant has not exhausted his departmental remedies. It is for the appellate authority to consider the case on merits and in accordance with the relevant rules and pass necessary orders within a reasonable time once the appeal is received within the time limit permitted above.

5. OA is disposed of. No costs.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

12.06.2019

SKSI