

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/1058/2017

Dated: 19/11/2019

Between



M. Noel Sukumar,
S/o. M.S. Prabhu Das,
Aged about 58 years,
Occ: Junior Clerk,
O/o. RMHS, South Lalaguda,
Railway Mixed High School,
R/o. Secunderabad.

... Applicant

AND

1. Divisional Railway Manager,
South Central Railway,
Hyderabad Bhavan,
Secunderabad.
2. The Assistant Divisional Railway Manager,
Hyderabad Bhavan ó SC,
South Central Railways,
Secunderabad.
3. The Senior Divisional Personnel Officer,
Hyderabad Bhavan-SC,
South Central Railways,
Secunderabad.

... Respondents

Counsel for the Applicant : Mr. J. Sudheer
Counsel for the Respondents : Mr. N. Srinivasa Rao, SC for Railways

CORAM :

Hon'ble Mr. S.N. Terdal, Member (Judl.)
Hon'ble Mrs. Naini Jayaseelan, Member (Admn.)

ORAL ORDER
 { Per Hon'ble Mr. S.N. Terdal, Member (Judl.) }

Heard Sri J. Sudheer, learned counsel for the applicant and Sri N. Srinivasa Rao, learned counsel for the respondents. Perused the pleadings and the documents.



2. The reliefs prayed for in the O.A. are as follows:
 - iii) call for the records pertaining to proceedings dated 24.7.2013 and set it aside as illegal, arbitrary, discriminatory and unconstitutional and
 - ii) consequently direct the respondents to release all the benefits for which he is otherwise entitled in law and arrears with interest with exemplary costs
 - iii) and to pass any such other or further orders as this Hon'ble Tribunal may deem fit and proper and necessary for the ends of justice.ö

3. At the time of hearing, we noticed that the impugned order dated 24.07.2013 is an order passed by the Disciplinary Authority after the order dated 17.04.2013 passed by this Tribunal in O.A. No.59/2010. This order dated 24.07.2013, at the fag end clearly states that the applicant may file an appeal against the said order. But however, without filing a statutory appeal, the applicant rushed to this Tribunal, by filing the present O.A.

4. Learned counsel for the respondents has rightly submitted that the applicant has not exhausted statutory remedies and as such, the O.A. be dismissed.

5. In the facts and circumstances, we are of the opinion that as the applicant has not exhausted the statutory remedy, this O.A. cannot be

entertained. But however, since there is a delay of 6 years from 2013 to 2019, we direct that in case the applicant prefers any statutory appeal before the statutory authority as stated in the impugned order dated 24.07.2013, the appellate authority shall dispose of the appeal by a reasoned and speaking order, keeping in mind all the observations made in the earlier O.A. No.59/2010.

6. The O.A. is accordingly disposed of. No order as to costs.



(NAINI JAYASEELAN)
MEMBER (ADMN.)

(S.N. TERDAL)
MEMBER (JUDL.)

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