

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11483 of 2015

Date of Decision:- 28.05.2015.

Gian Chand Rana

.....Petitioner

Versus

Central Administrative Tribunal, Chandigarh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. H.K. Sharma, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) The petitioner impugns the order dated 13.03.2015 passed by the Central Administrative Tribunal, Chandigarh Bench, (hereinafter referred to as 'The Tribunal) whereby the order of compulsory retirement of petitioner passed as a punitive measure pursuant to the disciplinary action against him has not been interfered with on the ground that the Original Application was not maintainable without exhausting the statutory remedies under the Railway Servants (Discipline and Appeal) Rules, 1968.

2.) We have heard Sh. Sharma, learned counsel for the petitioner at a considerable length and gone through the relevant

material.

3.) It is a matter of record that the petitioner was subjected to disciplinary action and the Inquiry Officer found him guilty of financial irregularities in issuing tickets or charging fare from the passengers. Consequently, the order of compulsory retirement was passed as a penalty. The petitioner availed the remedy of appeal and revision petition and then approached the Tribunal, who vide order dated 10.10.2012 allowed the Original Application in part and after setting aside the order of disciplinary, appellate and revisional authorities, remitted the matter to the disciplinary authority to decide the same afresh by passing a speaking order and after giving him "opportunity of being heard".

4.) The disciplinary authority nevertheless imposed the punishment of compulsory retirement. It was against that order that the second Original Application was filed in which the petitioner has been relegated to the alternative remedy of departmental appeal.

5.) In the light of the above mentioned facts and keeping in view the availability of an alternative efficacious remedy, we affirm the view taken by the Tribunal and dispose of the writ petition with the following directions:-

- (i) If the petitioner may file appeal within a period of one month from the date of receipt of copy of this order.
- (ii) The appellate authority shall entertain the appeal within limitation and decide the same on merit after affording

opportunity of personal hearing to the petitioner.

(iii)The appellate authority shall pass a reasoned order after taking into consideration the contentions that may be raised by the petitioner.

(iv)The appellate authority shall decide the appeal within a period of four months from the date of its filing.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

May 28, 2015.

sandeep sethi