

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.2470 of 2016
Date of Decision: February 08, 2016

Parvesh Kumar Bhandari

....Petitioner

versus

Union of India and others

.....Respondents

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

Present: Mr.N.P.Mittal, Advocate, for the petitioner.

:-

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?

Surya Kant, J. (Oral)

The petitioner assails the order dated 27.07.2015 passed by the Central Administrative Tribunal, Chandigarh Bench, whereby his Original Application has been dismissed due to his failure to avail alternative remedy against the order dated 29.05.2014 (A-1) passed by the Appellate Authority in the matter of disciplinary action taken against him.

[2] Shorn of the facts, suffice to mention that the petitioner was working as Deputy Chief Inspector of Ticket in railways and he was dismissed from service vide order dated 22.06.2011 (A-3) after conducting departmental enquiry. His appeal and revision petition were also dismissed. The petitioner approached the Tribunal in OA No.1069/PB/2012 wherein the Tribunal though declined to interfere with the

impugned orders on merits but having regard to the length of his 34 years service, the matter was relegated to the Appellate Authority to have a fresh look on the quantum of penalty.

[3] It was in compliance to the above-stated Tribunal's order dated 26.03.2014 that the Appellate Authority vide its order dated 29.05.2014 rejected the petitioner's plea for lesser penalty. Such a view was formed by the Appellate Authority after taking notice of the past service record of the petitioner.

[4] Against the order of the Appellate Authority, the petitioner again approached the Tribunal but his Original Application has been dismissed vide the impugned order dated 27.07.2015 in view of the preliminary objection raised by the respondent-authorities that the petitioner has got remedy of revision petition against the order of Appellate Authority.

[5] We have heard learned counsel for the petitioner and gone through Rule-24 of the Railway Servants (Discipline & Appeal) Rules, 1968.

[6] As there was no legal impediment in the petitioner's way to challenge the Appellate Authority's order before the Revisional Authority, we are satisfied that the Tribunal has rightly declined to entertain his Original Application at this stage.

[7] However, keeping in view the fact that the petitioner has been pursuing his remedy before the Tribunal, we grant him liberty to file a revision petition within one month and if he does so, let the Revisional Authority not dismiss the revision petition on the ground of delay and the same be decided on merits, namely, on the quantum of punishment.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 08, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE