

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22274 OF 2001

ORDER

Heard Sri Ravi Cheemalapati, learned counsel appearing for the petitioner, Sri Gouri Shankar Sanghi, learned Standing Counsel appearing for the respondent-Railways.

This writ petition is filed seeking to issue a Writ of Certiorari to call for the records relating to and connected with the impugned order dated 27.12.2000 passed in I.T.I.D.(C) No.9 of 1999 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam, and to quash the same and consequently to direct the respondent-Railways to reinstate the petitioner into service with back wages with continuity of service.

It is the case of the petitioner that he was appointed as Clerk in the respondent-Railways in 1975 on compassionate grounds; that he was removed from service vide orders dated 4.4.1985 for the proven misconduct; that aggrieved by the said order, the petitioner preferred an appeal and the appellate authority also rejected the same; that challenging the same, the petitioner filed revision and the revisional authority also rejected; that questioning the removal orders, the petitioner filed I.D.No.9 of 1999 before the Tribunal after 14 years, the

Tribunal vide order dated 27.12.2000 passed Nil Award. Questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the petitioner being not aware of the remedies, has approached the Tribunal challenging the removal orders and since the service conditions of the petitioner are governed under Article 309 of Constitution of India, he ought to have approached the Central Administrative Tribunal.

Knowingly or un-knowingly, the petitioner is pursuing remedies, but not in appropriate forums.

Hence, liberty is given to the petitioner to approach the Central Administrative Tribunal to challenge the order of removal passed by the disciplinary authority, confirmed by the appellate authority as well as revisional authority, if necessary, to file an application to condone the delay also. The findings of Tribunal in respect of passing a Nil Award are set aside. The Central Administrative Tribunal may consider the case of the petitioner afresh without being influenced by the observations made by the Tribunal.

With the said observations, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

13th December, 2017
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