

**Ashish Aggarwal Vs. Union of India Through the General Manager, New Delhi and Others**

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**SooperKanoon Citation :** [sooperkanoon.com/937773](http://sooperkanoon.com/937773)

**Court :** Central Administrative Tribunal CAT Delhi

**Decided On :** Sep-29-2011

**Judge :** The Honourable Mrs. Meera Chhibber, Judicial Member & the Honourable Dr. a.K. Mishra, Administrative Member

**Appeal No. :** OA-2737 of 2010

**Appellant :** Ashish Aggarwal

**Respondent :** Union of India Through the General Manager, New Delhi and Others

**Advocate for Pet/Ap. :** For the Applicant: G.D. Bhandari, Advocate. For the Respondents: P.K. Yadav, Advocate.

**Judgement :**

Dr. A.K. Mishra, Member (A)

1. The applicant has challenged the order dated 19.03.2010 of the Disciplinary Authority (DA) whereby he was dismissed from service; the order dated 07.07.2010 whereby the Appellate Authority (AA) rejected his appeal.

2. The applicant was appointed as a Commercial Clerk on 14.08.1998. While working as a Booking clerk at Chandausi on 24.08.2006 there was a vigilance

decoy operation and he was charge sheeted on 28.02.2008 on the allegations that he over-charged the decoy passenger by Rs.40/- and that there was shortage of government cash by Rs. 1058/- and private cash by Rs. 73/- and further that he connived with the Booking Clerk of Counter No.3 Sh. K.C. Saroj and adopted a modus-operandi by which the demand for higher ticket amount was made by the Booking Clerk (BC) at Counter No.3 but the extra money was received and tickets were issued by him through the BC of Counter No.3.

3. We find that the applicant has not exhausted the statutory remedy available to him under Rules 24 and 25 of the Railway Servants (discipline and Appeal) Rules, 1968. A normal revision would lie to an authority not below the rank of Deputy Head of the Department under Rule-25, whereas under the special provision for non-gazetted staff in rule-24, a group "C" employee who has been dismissed/removed/compulsorily retired can file a Revision Petition to General Manager of that Railway.

4. Under Section-20 of the Administrative Tribunals Act, 1985, no application is to be admitted unless other remedies are exhausted. Section 20(1) of the said Rules reads as follows:-

"A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances."

5. Admittedly, there are statutory remedies which are available to the applicant and he has not exhausted those remedies. Therefore, without considering the merits of the case, we direct the applicant to file a Revision Petition within 30 days from the date of receipt of a copy of this order. If such a Revision Petition is made by the applicant before the appropriate Revising Authority, it shall consider the Petition on merits, notwithstanding the limitation issue and decide his Revision Petition according to law within a period of three months from the date of receipt of a copy of his Revision Petition.

6. The O.A. is accordingly disposed of. No costs.