

(2)

Central Administrative Tribunal  
Principal Bench  
New Delhi  
.....

O.A. No. 266/95

New Delhi, this the 8th Day of Feb., 1995.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

HON'BLE SHRI B.K. SINGH, MEMBER (A)

Brahm Pal Singh s/o Shri Sarvjeet Singh,  
Ex. Khallasi, under Inspector of Work (Survey)  
Northern Railway, Moradabad,

R/o C/o Shri Himanshu Sharma,  
C 224, Hari Nagar,  
Clock Tower, New Delhi.

Applicant.

(By Shri M.L. Sharma, Advocate).

Versus

Union of India through.

1. General Manager,  
Northern Railway,  
Hq. Qrs. Office, Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad.

Respondents.

(By None).\*

JUDGEMENT (ORAL)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

The applicant was initially engaged as Khallasi under Inspector of Works, Northern Railway, Moradabad. A disciplinary enquiry under rule 9 of DAR, 1968 was initiated against the applicant on the basis of filing false particulars regarding


his engagement as a Casual labour on the basis of false casual labour card. That disciplinary enquiry ended in the impugned punishment order dated 12th May, 1994 whereby he has been removed from service. The applicant has filed an appeal on 10th June, 1994 to D.S.E.(C) Northern Railway, Moradabad. The appeal hasnot yet been disposed of when more than six months has passed. The applicant has also sent the reminder to the respondents to dispose of his appeal on 15th January, 1995. During the course of hearing the learned counsel prayed that a direction be issued to the respondents to dispose of the appeal within the prescribed period and is if the applicant/still aggrieved by the final order, if any, may be he / free to assail that order by filing a fresh Application taking all those grounds already taken in the present application.

2. We have considered this aspect and infact the order of the disciplinary authority will merge in the appellate authority which will give a further cause of action to the applicant. In any case if the appellate authority accept the appeal, the O.A. becomes infructuous, and if the appeal is rejected the applicant has to assail the order of the appellate authority also. There is/a recourse of revision under rule 25 of the DAR 1968 that the applicant, if so advised, may pursue that departmentally.

4

3. In view of the above we hold ~~that~~ the present application <sup>direct</sup> is pre-mature and/the respondents to dispose of the appeal of the applicant within a period of three months from the date of the receipt of the copy of this Order. No costs.

  
( B.K. SINGH )  
MEMBER ( A )

  
( J.P. SHARMA )  
MEMBER ( J )

/nk a/