

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1610/96
MA-1557/96

New Delhi this the 8th day of October, 1996.

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Sh. R.K. Ahooja, Member(A)

Sh. Dinesh Bhushan,
S/o Sh. Avadh Behari Lal Sharma,
R/o House No.240-C,
Vidyt Nagar,
Ghaziabad(UP).

Applicant

(through Sh. B.S. Mainee, advocate)

versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Moradabad.
3. The Asstt. Mechanical Engineer(I),
Northern Railway,
Moradabad.

Respondents

(through Sh. B.S. Jain, advocate)

ORDER(ORAL)
delivered by Hon'ble Smt. Lakshmi Swaminathan, M(J)

Heard the learned counsel for the parties.

The applicant has submitted that in pursuance
of the order dt. 22.9.94 of this Tribunal in OA-2587/91,
he had submitted an appeal to the respondents on 18.11.94
which has still not been disposed of. The respondents
have, however, submitted that no such appeal has been
received by them and hence the question of disposal does
not arise.

2. In the above facts and circumstances of the case, we are of the view that this O.A. is pre-mature as the Appellate Authority has still not passed an order on the impugned Disciplinary Authority's order dt. 16.10.91 ^{of 16.10.91} ~~from~~ compulsory retiring the applicant from service. The applicant ^{is, however,} ~~should be~~ given an opportunity to submit a copy of the appeal stated to have been filed with the respondents on 18.11.94 within 10 days from today. The delay, if any, in submitting the appeal is condoned. The respondents are directed to dispose of the appeal dt. 18.11.94 in accordance with law & rules within a period of three months from the date of receipt of a copy of the appeal.

3. With the above directions, the O.A. is disposed of at the admission stage itself. There will be no order as to costs.

R. K. Ahooja
(R.K. Ahooja)
Member(A)

/vv/

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)