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Date of decision: 21.7.1989,

Shri Swaran Singh ... Applicant
Vs.

For the applicant: Shri B.S. Mainee, counsel.

CORAM:

Hon'ble Mr. T.S. Oberoi, Member (J)

(delivered by ORDER (oral)
Shri P.Srinivasan, Member).

This application has come up before us for admission today. Shri B.S. Mainee, counsel appears for the applicant. Shri M.C. Garg, Assistant Superintendent in the office of the respondents, is present for the respondents. He is unable to state why the reply of the respondents has not been filed. He has produced a file in which parawise reply had been furnished to the counsel for the respondents on 18.7.1989. Counsel for the respondents is not present today even though the matter was fixed for today in the presence of officials of the respondents on 30.5.1989. We, therefore, decline to grant further time for filing reply, as prayed by the departmental representative.

2. The applicant is aggrieved with an order of punishment passed by the disciplinary authority on 17.8.1988. He has filed an appeal to the appellate authority on 2.9.1988. According to the applicant,

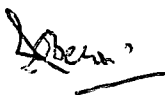
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this appeal is yet to be disposed of. According to the parawise reply shown to us by Shri M.C. Garg, this fact is confirmed, namely, that the appeal has not been disposed of so far. We feel that it would be better if the matter comes up before us after the appeal is disposed of because the issues will become clear both in regard to law and facts.

3. We, therefore, direct the appellate authority, respondent No. 2 in this application, to take up the appeal of the applicant immediately, give him an opportunity of being heard on all points and to dispose of the appeal by a speaking order, within three months from the date of receipt of this order. The applicant will be free to urge before the appellate authority all the objections that he has raised in this application and any more that he may want to.

4. The application is disposed of at the stage of admission itself with the above observations. It is needless to say that if the decision in the appeal eventually goes against the applicant, he will be at liberty to approach this Tribunal with a fresh application, in accordance with law. Parties are left to bear their own costs.


(T.S. Oberoi)
Member (J)


(P. Srinivasan)
Member (A)