

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.311/2020

This the 16th day of September, 2020

**Coram : Hon'ble Shri J.V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Shri Prashant R. Mandaviya
S/o. Shri Ranchhoddas
Age : 52 years,
Residing at : "Amardeep" 2- Amarnath Plot,
Behind Mahila College,
Rajkot – 360 007. Applicant

(By Advocate : Ms. S.S.Chaturvedi)

VERSUS

1. Union of India,
Notice to be served through
The General Manager,
Western Railway, Churchgate,
Mumbai 400 020.
2. Dr. R.V.Sharma
Chief Medical Superintendent (CMS)
Railway Hospital,
Western Railway, Kothi Compound,
Rajkot – 360 001.
3. Chief Medical Director
Western Railway, Headquarter Office,
Churchgate, Mumbai 400 020.
4. Divisional Railway Manager
Western Railway, Kothi Compound,
Rajkot – 360 001.
5. Divisional Railway Manager (E)
Western Railway, Kothi Compound,
Rajkot – 360 001. **Respondents**

(By Advocate : Shri M.J.Patel)

O R D E R – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, it is noticed that while the applicant was working as Private Secretary in Grade-II at Railway Hospital, Rajkot was served with the minor penalty charge memorandum No.E/308/MD/19/P/04 dated 27.5.2019 under the provisions of the Railway Servant (Discipline & Appeal) Rules, 1968 and subsequently converted into major penalty. Pursuant to said charge memorandum dated 27.5.2019, the Disciplinary Authority awarded punishment of reduction to the lower post from Leve-7 i.e. from the post of P.S. Grade-II to Level-6 i.e. the post of C.A. on pay of Rs. 52000/- for a period of 05 years with cumulative effect and loss of seniority vide order dated 12.6.2020 (Annexure A-1) which is impugned in this OA.

2. Learned counsel for the applicant Ms. S.S.Chaturvedi submits that aggrieved by the order dated 12.6.2020, the applicant has filed statutory appeal dated 17.6.2020 before the Appellate Authority and the said appeal is pending for consideration. She further submits that applicant would be satisfied, if direction is given to the Appellate Authority to decide the appeal dated 17.6.2020 filed by the applicant within stipulated time framed.

3. On the otherhand, learned standing counsel for the Railway, Shri M.J.Patel appears on receipt of advance copy of this OA and

submits that statutory appeal, which is stated to be filed by the applicant before the Appellate Authority is pending for consideration. He further states that due to COVID-19 pandemic situation, appeal might have not been decided till date and the same shall be decided expeditiously as per rules.

4. Considering the submissions made on behalf of both the parties and on perusal of the material on record, we note that the statutory appeal of the applicant dated 17.06.2020 against the order of the Disciplinary Authority is pending for consideration before Appellate Authority. Therefore, without expressing any opinion of merits, we dispose of the OA with a direction to the respondent No.3 to consider and decide the appeal of the applicant dated 17.6.2020 within eight weeks from the date of receipt of a copy of this order.

5. The OA is disposed of accordingly. No order as to costs.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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