

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00334/2020**

**DATED THIS THE 24<sup>TH</sup> DAY OF SEPTEMBER, 2020**

**CORAM:**

**HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)**

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

**HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)**

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

Munaf Desai,  
S/o Imam Hussain,  
Aged 38 years, Working as  
Depot Materials Superintendent,  
General Stores Depot,  
South Western Railway,  
Gadag Road, Hubballi 580 020  
Residing at No. 40/B, MTS Colony,  
Karwar Road, Hubballi 580 024

....Applicant

(By Advocate Shri A.R. Holla - through video conference)

Vs.

1. Union of India,  
By General Manager,  
South Western Railway,  
Gadag Road, Hubballi 580 020

2. The Chief Materials Manager, Sales,  
South Western Railway, Hubballi 580 020

3. The Deputy Chief Materials Manager,  
General Stores Depot, South Western Railway,  
Personnel Branch, Gadag Road, Hubballi 580 020        ....Respondents

(By Shri N. Amaresh, Railway Standing Counsel - through video conference)

**O R D E R (ORAL)**

**PER: SURESH KUMAR MONGA, MEMBER (J)**

Shri N. Amaresh, learned counsel representing the respondents, at the very outset, stated that the present Original Application cannot be

maintained as an appeal filed by the applicant against the order of penalty is still pending before the appellate authority.

2. In view of the above, without entering into the merits of the case, we deem it appropriate to dispose of the present Original Application with a direction to the appellate authority to decide the applicant's pending appeal against the order of penalty passed by the disciplinary authority.

3. Accordingly the Original Application is disposed of with a direction to the appellate authority to decide the applicant's pending appeal and pass a reasoned and speaking order in accordance with law. The applicant shall also be afforded an opportunity of hearing before taking such a decision. The whole exercise shall be undertaken within a period of one month from the date of receipt of a certified copy of this order.

4. So long as the applicant's appeal is pending, no recovery shall be effected pursuant to the order of penalty passed by the disciplinary authority.

5. Ordered accordingly. However, there shall be no order as to costs.

**(RAKESH KUMAR GUPTA)**  
**MEMBER (A)**

**(SURESH KUMAR MONGA)**  
**MEMBER (J)**

/ksk/

**Annexures referred to by the applicant in OA No. 170/00334/2020**

Annexure A1	Copy of the memorandum dated 12.10.2012
Annexure A2	Copy of the corrigendum dated 23.01.2015
Annexure A3	Copy of the corrigendum dated 09.04.2015
Annexure A4	Copy of the corrigendum dated 16.04.2015
Annexure A5	Copy of the Inquiry Report dated 20.09.2017
Annexure A6	Copy of the order dated 10.10.2017
Annexure A7	Copy of the applicant's representation dated 26.10.2017
Annexure A8	Copy of the order dated 13.06.2019
Annexure A9	Copy of the order dated 17.07.2019
Annexure A10	Copy of the applicant's appeal dated 27.08.2019

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