

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA**

**OA No 404/2020**

**Due to COVID-19 Pandemic, case has been heard & decided through Video Conferencing**

**Date of order 13.11.2020**

**CORAM**

Hon'ble Shri M.C. Verma, Member [ J ]  
Hon'ble Shri Sunil Kumar Sinha, Member [ A ]



1. Arvind Kumar Arya, Son of Shri Maheshwar Ram, previously S.S.E (P.Way), Begusarai under East Central Railway, Sonpur now A.En, Samastipur, Pin Code- 848101.

.....Applicant

**By Advocate : Shri U.K. Mishra**

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali, Pin- 844101.
2. The Principal Chief Engineer, East Central Railway, Sonpur, Pin- 844101.
3. The General Manager, East Central. Railway, Sonpur, Pin- 844101.
4. The Divisional Railway Manager, East Central. Railway, Sonpur, Pin- 844101.
5. The Additional Railway Manager, East Central Railway, Sonepur- 844101.
6. The Senior Divisional Personnel Officer, East Central Railway, Sonpur, Pin-844101.
7. The Senior Divisional Engineer (Coordination) East Central Railway, Sonpur, Pin-844101.

.....Respondents

**By Advocate: Shri Ajoy Kumar**

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

**M.C. Verma, M [ J ]:-** 1. Matter is at notice stage hearing. Advance copy of OA has been served to counsel for respondents and Shri Ajoy Kumar Advocate has appeared for respondents.

2. Instant O.A came on Board firstly on 04.11.2020 and after hearing, the counsel appearing for adverse party, a detailed order was passed, which for the sake of brevity, is reproduced herein below :-

*"The crux of grievance of the applicant as has been reflected by the pleadings made in O.A. is that in the proceedings of*

*Departmental inquiry, punishment of reduction to lower grade for period of three years with loss of seniority was inflicted by the Disciplinary Authority. Applicant preferred an appeal against the said order of Disciplinary Authority and the said appeal is still lying pending, hence this O.A.*

*Records also reflects that previously alleging the same grievance, applicant did file O.A. No. 825/2014 before this Tribunal. The said O.A came on Board on 26th March 2018 wherein learned counsel for respondents had made statement that appeal of the applicant was disposed of by the Appellate Authority and the said Appellate Authority had reduced the penalty to withdraw increment of one year with non-cumulative effect.*



*In the said backdrop of the facts as emerged from the record, the Tribunal inquired from counsel for applicant that if appeal has already been disposed of, why this O.A. is there and counsel for applicant submits that the statement made on 26.03.2018 in O.A 825/2014 by the respondents is false because the appeal is still pending. It was further inquired from him that, if it is the case, that the counsel for respondents was making false statement, whether the course adopted by the applicant to file fresh O.A. can be said to be correct one and the counsel for applicant submits that had the appeal has been disposed, copy of the order has to be supplied to the counsel for applicant.*

*Advance copy of the O.A. has been served to the counsel for respondents and Shri Ajoy Kumar, Advocate has appeared for respondents, and it was categorically inquired from him whether appeal is still pending or it has been disposed of and if it has been disposed of, whether a copy of the order passed by the Appellate Authority has been served to the applicant or not. Learned counsel for respondents seeks time to take instruction from the department."*

3. Matter came on Board, thereafter on 09.11.2020 and on that day learned counsel for respondents informed that the Appeal preferred by the applicant has been disposed of in year 2015 but unfortunately order passed in Appeal could not be communicated to the applicant at that time and that the same has been served to the applicant now. Learned counsel

for applicant had then urged that the applicant had yet not received copy of order passed in the Appeal.

4. Today, it is informed by the counsel for applicant that applicant has received the copy of the order passed in Appeal, the said order passed in appeal is apparently illegal and is not sustainable in law and that applicant wants to exhaust legal remedy available against said order. He added that as far as instant O.A. relates, it has lost sanctity because it was filed raising grievance that the Appeal was not being disposed of. He requests to withdraw this OA with liberty to opt for legal remedies available to the applicant against the order of Appellate Authority.



10. In view of the above, the O.A. is dismissed as withdrawn. No order as to costs.

(Sunil Kumar Sinha) M ( A )

(M.C. Verma ) M [ J ]

/mks/



