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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. NO. 227/90

New Delhi this the 16 day of June, 1994.

Shri S.R. Adige, Member(A).

Mrs Lakshmi Swaminathan, Member(J).

Prem Kumar,
S/o Shri Kasturi,
R/o 193/6, Railway Colony,
Near Shankar Market,
New Delhi.

...Petitioner.

By Advocate Shri B.S. Maine.

1. Union of India through,
The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Chief Hospital Superintendent,
Northern Railway,
Central Hospital,
Basant Lane,
New Delhi.

...Respondents.

By Advocate Shri P.S. Mahendru.

ORDER

Shri S.R. Adige.

In this application, Shri Prem Kumar, Ex-Hospital Attendant, Northern Railway Central Hospital, New Delhi, has impugned the order dated 23.10.1989 (Annexure A-I) removing him from service for unauthorised absence from duty from 17.10.1988 till the date of the impugned order.

2. Admittedly, the applicant filed an appeal against the impugned order. Neither Shri Maine for the applicant nor Shri Mahendru for the respondents, both of whom were heard, could confirm whether the appeal had been disposed of. As no order on the appeal has been communicated to the applicant, presumably the appeal still remains undisposed of.

3. Under the circumstances, as the departmental (appellate) remedy still remains to be exhausted, and

as the appellate jurisdiction is much wider than the Tribunal's jurisdiction, in the applicant's own interest as well as in the light of the legal provisions, the appellate remedy should be fully exhausted in the first instance. Accordingly, the respondents are directed to dispose of the applicant's appeal, if not already disposed of, within three months from the date of receipt of a copy of this order, by means of a speaking order leaving it open to the applicant to file a fresh O.A. in accordance with law if any grievance survives thereafter, if so advised. If any such O.A. is filed, in the interest of justice, the same should be considered on out of turn basis and disposed of as expeditiously as possible.

4. This O.A. is disposed of accordingly. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER(J)

M. Adige
(S.R. ADIGE)
MEMBER(A)

'SRD'