

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

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O. A. No. 2587 of 1991

New Delhi, this the 22nd day of Sepg., 1994.

Hon'ble Mr Justice S.K.Dhaon, Acting Chairman
Hon'ble Mr B.N.Dhoundiyal, Member(A).

Shri Dinesh Bhushan
Substitute Cleaner under
Locoforeman, Northern Railway,
Moradabad. Applicant.
(through Mr B.S.Maine, Advocate)
vs.

Union of India: through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Rly Manager,
Northern Railway,
Moradabad.
3. Asstt- Mechanical Engineer(I),
Northern Railway,
Moradabad. Respondents.
(through Mr K.K.Patel, Advocate)

ORDER(oral)

JUSTICE S.K.DHAON, ACTING CHAIRMAN

The controversy raised in this O.A. is squarely covered by a decision of this Tribunal in O.A.No.3050 of 1991 and the connected O.As, decided on 18.03.1994. In view of this decision, this O.A.does not survive. Since the petitioner came to this Tribunal during the pendency of the disciplinary proceedings, we make it clear that it will be open to him to challenge the legality of the final order that may be passed in the said proceedings, if the same is adverse to him.

The O.A. is dismissed. The interim

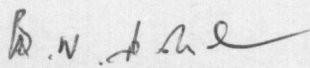
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
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order passed on 6-11-1991 is vacated.

It appears that on 16.11.1991 an order, removing the applicant from service was passed. It is to be noted that on 06.11.1991, this Tribunal stayed further proceedings in the inquiry pending against the applicant. The learned counsel for the Respondents states that the order of termination was passed before the order of 06.11.1991 was communicated to the respondents. Shri Mainee, learned counsel for the applicants states that this is not so. In fact the order dated 16.11.1991 has not been communicated to the applicant so far. We will not enter into ^{this} controversy at this stage. It will be open to the applicant to prefer an appeal against the order of removal. If and when his appeal is
4) dismissed, ~~not on merits but as barred by time,~~
it will be open to the applicant to seek remedy in an appropriate forum.

(SDS)


(B. N. Dhoundiyal)
Member (A)


(S. K. Dhaon)
Acting Chairman.