

9

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.2538/2004

Friday, this the 15th day of October 2004

Hon'ble Shri Justice V. S. Aggarwal, Chairman
Hon'ble Shri S. K. Naik, Member (A)

J.R. Dhiman
Chief Pharmacist
Northern Railway
Divl. Hospital
Delhi

R/o 110/10, Rly. Colony
Thomson Road, New Delhi-2

..Applicant

(By Advocate: Shri M.L.Sharma)

Versus

Union of India through

1. General Manager
Northern Railway
Headquarters Office
Baroda House, New Delhi
2. Divl. Rail Manager
Northern Railway
Estate Entry Road
New Delhi
3. Chief Medical Supdt.
Northern Railway
Divl. Hospital, Delhi

..Respondents

ORDER (ORAL)

Justice V.S. Aggarwal:

The applicant by virtue of the present petition seeks setting aside of the orders of 23.2.2001 and 3.11.2001.

2. The grievance of the applicant is that charge-sheet was served on him by the authority not competent to do so. It is also contended that the disciplinary authority did not hold any inquiry, nor did it pass any proper order. The order imposing penalty is in the nature of para-wise comments.


3. At this stage, we are not going into the said controversy. This is for the reason that admittedly the applicant has filed an appeal addressed to the Chief Medical Superintendent, Northern Railway. Once the appeal is




pending, it would be appropriate that the same is decided before the applicant takes recourse under the law in this Tribunal.

4. Resultantly, without expressing any opinion on the merits of the matter, we direct the Chief Medical Superintendent – respondent No.3 – to consider the pending appeal and decide the same within four months from the date of receipt of a certified copy of the present order. If the said appeal has already been decided, in that event, the order should be communicated to the applicant.

5. OA is disposed of.


(S. K. Naik)
Member (A)

/sunil/


(V. S. Aggarwal)
Chairman