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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

O.A.No.2538/2004

Friday, this the 15<sup>th</sup> 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

(By Advocate: Shri M.L.Sharma)

..Applicant

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

*16 Ag*

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.

Naik  
( S. K. Naik )  
Member (A)

/sunil/

V. S. Aggarwal  
( V. S. Aggarwal )  
Chairman