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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2868/2004

MA 2378/2004

New Delhi, this the 16<sup>th</sup> day of December, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S. K. Mahotra, Member (A)

Shri Laipat Rai S/o Sn. So Singh,  
R/o 35, Ram Garhi, Hapur Road,  
Gaziabad, U.P.

...Applicant.

(By Advocate Shri U. Srivastava)

Versus

1. The Chief Secretary,  
5, Sham Nath Marg, New Delhi.
2. The Medical Superintendent,  
Lok Nayak Jai Prakash Narayan Hospital,  
New Delhi.

...Respondents.

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

**Mr. Justice V.S. Aggarwal, Chairman:**

The applicant was nursing orderly. According to the applicant, his services have been put to an end because of absence from duty. A case has also been registered against the applicant with respect to an offence punishable under Section 380 read with Section 411 of the Indian Penal Code. The applicant has been acquitted by the Learned Metropolitan Magistrate on 21.5.2003.

2. Learned counsel for the applicant contends that against the order dismissing the applicant from service, he had preferred an appeal which was not being decided. He had met the Appellate Authority and was informed that he should press his claim after decision of the criminal matter referred to above. Thereafter even nothing has been done.


3. At this stage, we are not dwelling into the merits of the matter. The reason being that the applicant after that represented on 22-9-2003 to the Medical Superintendent, Lok Nayak Jai Prakash Narayan Hospital, New Delhi. Once the representation is pending and the rights of the respondents are not likely to be


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affected, we deem it unnecessary to issue a notice to show cause while disposing of this OA.

4. It is directed that the Medical Superintendent referred to above should consider the totality of the facts and the circumstances and pass an appropriate speaking order in accordance with law within four months from the receipt of the certified copy of the present order and communicate it to the applicant.

5. Keeping in view the aforesaid, no further opinion on merits of the petition is expressed.

  
(S.K. Malhotra)  
Member (A)

  
(V. S. Aggarwal)  
Chairman

/gkk/