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13.

O.A. No 158/92

Gunela Prasad vs U.O.I.

23.7.92

Shri B.S. Mainee, counsel for the applicant.

Shri R.L. Dhawan, counsel for the respondents.

On the request of both the counsel, the O.A. is heard finally.

The applicant was served with a charged memorandum for minor penalty. The disciplinary authority imposed the penalty of deduction of Rs 5,700/- from the salary of the applicant in 20 equal instalments. Aggrieved by this order, the applicant filed an appeal before the Divisional Railway Manager. The learned counsel for the respondents has taken the objection that the appeal should have been filed before the Divisional Commercial Superintendent, Northern Railway, New Delhi. However, it was the duty of the Divisional Railway Manager to have sent the appeal to the proper appellate authority. However, we are of the view that the pending appeal of the applicant must be decided by the competent appellate authority. We, therefore, direct the Divisional Commercial Superintendent, Northern Railway, New Delhi, of the respondents to decide the appeal of the applicant within a period of two months from the date of the receipt of a copy of this order, after affording an opportunity to the applicant of being heard. The applicant may file, if he is aggrieved by the final appellate order, a fresh O.A. if so advised.

Before parting, we expect the respondents not to implement the impugned order of punishment and not to deduct the instalments till the appeal is decided by the appellate authority. The interim order passed earlier shall merge with this order.

The O.A. is thus disposed of finally with no order as to costs.


(I.P. GUPTA)

MEMBER (A)


(RAM PAL SINGH)

VICE-CHAIRMAN (J)