

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 780/1993

New Delhi date the 10th January, 1994

Hon'ble Mr. N.V.Krishnan, Vice Chairman(A)  
Hon'ble Mr. B.S. Hegde, Member(Judicial)

Smt.Sunita,  
w/o Sh.Dinesh Kumar  
Senior under Asstt.Engineer(Track Depot)  
Northern Railway, Ghaziabad.

... Applicant.

(By advocate Sh. B.S. Maine, counsel)

Versus

1. The General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. Chief Engineer(Track)  
Northern Railway, Baroda House,  
New Delhi.
3. The Sr.Civil Engineer(TP)  
Northern Railway, Hd.Office,  
Baroda House, New Delhi.

... Respondents

(By Advocate Sh. Romesh Gautam, counsel)

ORDER (ORAL)

(Hon'ble Sh. N.V. Krishnan, Vice Chairman(A))

The applicant is aggrieved by the impugned orders dated 30.10.92(Ann.A.1) and 29.1.93(Ann.A.2) passed in disciplinary proceedings. By the order dated 30.10.92 (Ann.A.1) the Disciplinary Authority imposed the penalty of reduction to one lower stage in present time scale of pay (Rs 1200-2040) with commulative effect for 6 months w.e.f. 1.11.92 with a further direction that the period of reduction will operate to post-pone

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the next increment. This was in respect of an allegation that the applicant had sublet the Govt. quarter allotted to her to another, for monetary consideration. The impugned order dated 29.1.1993 (Ann. A-2) of the Headquarter office informed the Assistant Engineer (Gha.) about the penalty and desired him to cancel the allotment of the quarter given to the applicant. By the impugned order dated 9.2.1993 (Ann. A-9), the Assistant Engineer (Gha.) cancelled the allotment of the Govt. quarter given to the applicant. The applicant has filed an appeal against the impugned Ann. A.1 order of the disciplinary authority vide his letter dated 24.11.93 (Ann. A.7) to the Chief Engineer (Tracks), Northern Railway i.e. the Second Respondent.

2. The respondents have filed a reply and contended that this O.A. is premature as the appeal is still pending. A rejoinder has been filed

3. When the matter came up today, the learned counsel for the applicant also submitted that the appeal filed by the applicant has still not been disposed of. Therefore, we agree that the OA is premature especially when after appeal has been filed by the applicant, six months are not yet over. We are also of the view that in the interest of all concerned the appeal should be first disposed of by the Appellate Authority, because of the limited

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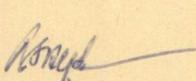
powers which this Tribunal can exercise in such cases as compared to the fitness of the appellate authority.

4. In the circumstances, it was put to the parties whether it would not be better if the OA itself is disposed of with a direction to the Appellate Authority to dispose of the appeal within a specified time. Ld.counsel for the applicant has only submitted that until the appeal is disposed of, the applicant should not be evicted from the Govt.quarter. Ld.counsel for the respondents has no objection to this course of action but he submits that the appeal should have been filed to the Deputy Chief Engineer(Tracks), who is the appellate authority.

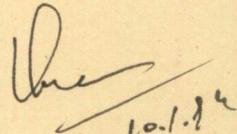
5. In the light of the submissions made by the parties, we are of the view that this OA can be disposed of with a suitable direction to the 2nd respondent i.e. Chief Engineer(Tracks) We do so. We direct the second respondent to forward the appeal filed by the applicant, to the proper appellate authority i.e. Chief Engineer Tracks as early as possible. The appellate authority shall disposed the appeal within 3 months from the date of its receipt by him. We also direct that pending of the disposal of the appeal by the appellate authority, the interim order passed on 30.4.93 staying the operation of the Ann.A.2 and Ann.9 orders and extended from time to time shall continue till the

disposal of the appeal.

6. OA is disposed of as above. If the applicant is aggrieved with the appellate order, it is open to him to seek such remedy in accordance with law as so advised.

  
(B.S. Hegde)

Member (J)

  
N.V. Krishnan

Vice Chairman (A)

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