

(19)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 923 of 1997

Dated :: this the 18th day of September, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.  
HON'BLE MR. D.R. TIWARI, MEMBER (A)

Phutti Lal s/o Shri Jaggannath,  
permanent r/o village Rasulabad,  
P.O. Bahrampur, District Fatehpur ----  
At present posted as P.W.M. Under  
C.P.W.I. ( II ), at Rura Stn.  
Northern Railway, Kanpur.

.....Applicant

Counsel for the Applicant :: Shri S. Dwivedi &  
Shri A. Dwivedi.

|| versus ||

- 1- Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.
- 2- The Assistant Engineer, ( Track ),  
Northern Railway, Kanpur.

.....Respondents.

Counsel for the Respondents :: Shri G.P. Agarwal

O R D E R ( O R A L )

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. under section 19 of Administrative  
Tribunal Act 1985, applicant has challenged the order  
dated 11.8.1997 passed by respondent no.2 i.e. Assistant  
Engineer ( Track ), Northern Railway, Kanpur by which

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he has imposed punishment against the applicant withholding the increments for the period of one year with cumulative effect. He has also directed to ~~release the penal~~ <sup>unrealized penal</sup> rent for unauthorised retention of the Railway Quarter for the period from 16.03.1995 to 04.06.1996.

2. Shri S.Dwivedi, learned counsel for the applicant has submitted against the aforesaid order, applicant has filed appeal on 14.10.1997. However, the appeal has not been decided and it is still pending before Divisional Engineer, Headquarters, Northern Railway, Allahabad.

3. Shri G.P.Agarwal, learned counsel for the respondents submitted that as the appeal is pending, this O.A. is not legally maintainable and appeal may be decided by the Appellate Authority.

4. For the reasons stated above, this O.A. is disposed of finally with the direction to Divisional Engineer, Headquarters, Northern Railway, Allahabad to consider and decide the appeal of the applicant by reasoned and speaking order in accordance with law within three months from the date of receipt of a copy of this order. To avoid delay, <sup>or shall be open to applicant</sup> file a copy of memo of appeal, alongwith a copy of this order.

5. There shall be no order as to costs.

*Adeeb*  
Member ( A )

*P*  
Vice - Chairman

Brijesh/-