

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 01st day of November 2001.

Original Application no. 594 of 1998.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Hon'ble Maj Gen K.K. Srivastava, Administrative Member

Bhagwan Das, S/o Govind Ram,
R/o 55, Pratap Pura, Nangara,
JHANSI.

... Applicant

By Adv : Sri B. Tewari

Versus

1. Sri Narendra Kumar, Deputy C.E. (C),
Central Railway,
JHANSI.

2. Union of India through General Manager,
Central Railway,
MUMBAI.

... Respondents

By Adv : Sri Anand Kumar

O R D E R

Hon'ble Mr. S.K.I. Naqvi, Member (J).

The applicant has come up seeking relief against punishment order dated 15.4.1998, through which he has been reduced to lower post of Junior Clerk in the grade of Rs. 3050-4590 for a period upto 30.11.1998 from the date of this order and his pay fixed in the grade at Rs. 3050 with cumulative effect.

S. K. I.

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2. From the side of respondents it has been submitted that the applicant has come up prematurely without availing the opportunity of appeal.

3. Heard Shri B. Tewari, learned counsel for the applicant and Shri A. Kumar learned counsel for the respondents and perused the records.

4. During the course of argument Sri B. Tewari, has pointed out that he preferred an appeal against the impugned punishment order on 30.6.1998 (Ann. RA-2). He further mentions that the appellate authority is sitting over the matter without deciding the same. In reply Sri Anand Kumar produced copy of order dated 16.2.1999 addressed to the applicant, Shri Bhagwan Das, through which he was informed of decision taken on his appeal by the appellate authority.

5. With the above position, in view, we find that the impugned punishment order has already merged with appellate order dated 16.2.1999, but the appellate order has not been impugned. Therefore, the relief sought for cannot be effectively granted. The O.A. is dismissed accordingly with the observation that in case the applicant has not filed any appeal against the appellate order dated 16.2.1999 within a period of limitation meant for the purpose. He may be allowed further sufficient time to prefer the appeal, if he so desires. Copy of order

See

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16.1.1999
dated ~~16.9.1999~~ produced by learned counsel for the
respondents be retained on record.

6. Copy of this order be expeditedly be remitted
to the applicant by the registry.

7. There shall be no order as to costs.

Danik
Member-A

S. S. Singh
Member-J

/pc/