

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1131 OF 1998
ALLAHABAD THIS THE 18TH DAY OF MARCH, 2004

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J


Ashok son of Sri Ramjee,
aged about 38 years,
Gangman Gang No.12 for the present utilised as
Gateman Gate No.17-C Gang-Hut Village uparwar,
P.O. Sewapuri District-Varanasi.Applicant

(By Advocate Shri R.C. Johari)

Versus

1. Union of India,
through its General Manager,
Northern Railway Head Quarter office Baroda House,
New Delhi.
2. The Divisional Superintendent Engineer No.2,
Divisional Railway Manager's office,
Northern Railway Hazratganj, Lucknow.
3. The Assistant Engineer,
Northern Railway, Pratapgarh.
4. The Junior Section Engineer,
Northern Railway Mariahu,
District Jaunpur.Respondents

(By Advocate Shri A.K. Gaur)



O R D E R


HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

In this D.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for quashing the punishment order dated 23.10.1997 (Annexure A-2) by which the pay of the applicant has been reduced to Rs.775/- per month for a period of two years with cumulative effect.

2. The fact, in short, are that the applicant is employed in the respondent's establishment and is presently working at, Swapuri, District Varanasi as a Gangman. The applicant was served with a chargesheet dated 09.01.1997 for major penalty. The enquiry was held and after conclusion of the enquiry the Disciplinary authority passed the impugned punishment order dated 23.10.1997 (Annexure A-2). The applicant filed a detailed appeal dated 14.11.1997 against the punishment order dated 23.10.1997 before the appellate authority. The same has still not been decided.

3. The learned counsel for the applicant submitted that as per the Railway Board Circular the appeal of the applicant should have been decided by the appellate authority within a period of one month as per Railway Board letter no.71 RG 622 dated 01.06.1971/ (Annexure-XVI page 46). Since the appeal of the applicant was not decided within the time limit prescribed for the same the applicant had no other option but to approach this Tribunal by filing this D.A. On 09.10.1998.

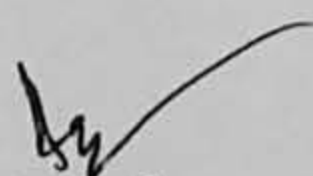
4. In our considered opinion the end of justice shall be served if the appeal of the applicant dated 14.11.1997 (Annexure A-1) is decided by the appellate authority by a reasoned and speaking order within specified time. The




learned counsel for the applicant at this juncture submitted that more than 5 years have passed after filing of this O.A., the appellate authority has not passed any order. In this connection we would like to observe that the O.A. was admitted on 09.12.1998 and obviously the appellate authority, in absence of any direction by this Tribunal, could not pass any order on the appeal of the applicant.

5. In view of the above, we dispose of this O.A. with direction to appellate authority to decide the appeal of the applicant dated 14.11.1997 (Annexure A-1) by a reasoned order covering the various points raised in the appeal by the applicant within a period of three months from the date of communication of this order.

6. There shall be no order as to costs.



Member-J



Member-A

/Neelam/