

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the **24th** day of August, 2021

Original Application No. 330/01077/2017

Hon'ble Mr. Tarun Shridhar, Member (Administrative)
Hon'ble Ms. Pratima K. Gupta, Member (Judicial)

Anil Kumar Srivastava, Son of Late P.B. Srivastava,
Resident of 242 Bhagwat Bagh, Atarsuiya, Allahabad.

...Applicant

By Advocate : Shri Jaswant Singh

V E R S U S

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. Senior Divisional Commercial Manager, North Central Railway, Allahabad.
4. Divisional Commercial Manager, North Central Railway, Allahabad.

...Respondents

By Adv: Shri Ajay Kumar Rai

O R D E R

By Hon'ble Mr. Tarun Shridhar, Member (Administrative)

We have joined this Division Bench online through video conferencing facility.

2. Shri Jaswant Singh, learned counsel for the applicant and Shri Ajay Kumar Rai, learned counsel for the respondents are present in Court.

3. MA No.3235 of 2016 is an application seeking condonation of delay in filing OA No.1077 of 2017. By this original application the applicant seeks quashing of an order of penalty imposed upon him as far back as the year 2002 and he has chosen to wait all these years before assailing that order.

4. Shri Jaswant Singh, learned counsel for the applicant submits that since another penalty order is under challenge in a different OA the applicant was perhaps under a mistaken notion that he should await the outcome of that OA before challenging the present impugned order.

5. The learned counsel also submits that the applicant has also preferred an appeal against the order of penalty. The learned counsel further argues that since the penalty order is pending before the appellate authority, the applicant was also under the impression that he has to await the outcome of the appeal.

6. Shri Ajay Kumar Rai, learned counsel for the respondents vehemently opposes the plea for condonation of delay fairly stating that there is no justification for this inexplicable delay. It is quite obvious that the applicant has accepted his punishment without any protest all these years.

7. We find that no fruitful purpose will be served by keeping this OA pending. Accordingly, the original application is disposed of with a direction to the respondents to decide the long pending appeal dated 07.12.2002 of the applicant within a period of 8 weeks from the date of receipt of a certified copy of this order.

8. We make it clear that this order is in no way an endorsement of the condonation of delay in filing the present OA. No order as to costs.

9. All the MAs pending in this OA are disposed of as having become infructuous.

10. Hon'ble Ms. Pratima K Gupta, Member (Judicial) has consented to this order during virtual hearing.

(Pratima K Gupta)
Member (Judicial)

(Tarun Shridhar)
Member(Administrative)

/Neelam/