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Central Administrative Tribunal, Allahabad.

Registration O.A.No.158 of 1987.

Jamil Ahmad ..... Petitioner

Vs.

Union of India and  
3 others ..... Respondents.

Hon. Ajay Johri, AM  
Hon. G.S.Sharma, JM

( By Hon'ble G.S.Sharma, JM )

The only relief sought by the petitioner in this petition under Section 19 of the Administrative Tribunals Act XIII of 1985 is that the Divisional Railway Manager (in short DRM), N.E.Railway, Izatnagar, Bareilly be directed to dispose of his appeal dated 12.9.1985 forthwith. It is alleged that the petitioner who was in the employment of N.E.Railway was dismissed from service vide order dated 6/7.1.1981 passed under Rule 14(ii) of the Railway Servants (Discipline and Appeal ) Rules, 1968 (hereinafter referred to as the D.A.Rules). The appeal preferred by him on 19.2.1981 against his dismissal was still pending when he filed Civil Misc. Writ Petition No.6500 of 1982 challenging the validity of Rule 14(ii) of the D.A. Rules. The said writ petition was ultimately dismissed on 11.7.1985 but time was granted, till 30.9.1985 to file a departmental appeal, to the petitioner and a direction was issued to the appellate authority to condone the delay in filing the appeal. The petitioner thereafter filed an appeal before the DRM on 12.9.1985 but the same has not been disposed of though under the



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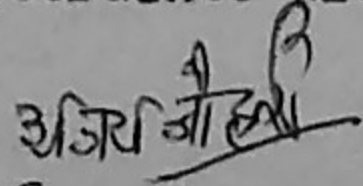
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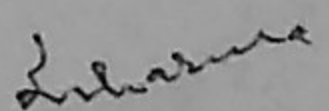
.2.

circular dated 11.6.1971 of the Railway Board, it should have been disposed of with<sup>-in</sup> a month. It is further alleged that his case is fully covered under the order dated 3.12.1986 passed by the Hon'ble Supreme Court in Civil Misc. Writ Petition Nos. 22009-15 of 1986 filed by the persons similarly situated and his appeal has to be disposed of by the DRM without delay.

2. After hearing the learned counsel for the petitioner at the admission stage, we feel that the directions of the Hon'ble Supreme Court in Civil Misc. Writ Petition No . 6500 of 1982 between the parties are binding on the respondents. Without commenting on the merits of the case of the petitioner as well as on the fact whether the petitioner could file a Second Appeal in this case or not, we feel that in case the appeal preferred by the petitioner on 12.9.1985 is covered under the directions of the Hon'ble Supreme Court, there is no need for the petitioner to seek our help or direction for its disposal and as such, there is nothing for adjudication by this Tribunal in his case.

3. We accordingly refuse to admit the petition but direct the respondents to decide the appeal dated 12.9.1985, if any, of the petitioner in accordance with law within a period of 4 months.

  
3.3.1987  
MEMBER (A)

  
3.3.1987  
MEMBER (J)

Dated 3.3.1987  
kkb