

2

Ishwar Chand ... Applicant.

Vs.

Hon. D.S.Misra, AM
Hon. G.S.Sharma, JM

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

This petition under Section 19 of the Administrative Tribunals Act XIII of 1985 has been filed by the applicant for directing the respondents to decide the appeal filed by the applicant against his dismissal from service on 13.6.1980. It is alleged that while working as Driver, the applicant went on strike on the call given by his Association whereupon, he was served with a charge sheet cum dismissal order on 13.6.1980 by the respondents without holding a regular disciplinary inquiry. The appeal preferred by the applicant on 23.7.1980 against his dismissal was not decided and he accordingly filed writ petition no.3349 of 1982 in the Supreme Court which was decided along with a bunch of writ petitions in the case of Tulsi Ram Patel (Union of India Vs. Tulsi Ram Patel; A.I.R.1985 SC-1416). The applicant preferred another appeal on 20.8.1985 in accordance with the direction of the Hon'ble Supreme Court but even this appeal has not been decided. It was contended on behalf of the applicant at the admission stage that this case be finally disposed of by giving a suitable direction to the respondents at this very stage.

2. We have carefully considered the contention raised on behalf of the applicant in the light of the facts and circumstances stated above. In the case of Tulsi Ram Patel (Supra), the Hon'ble Supreme Court had dismissed all the writ petitions of the employees with a direction that the appellate authority shall dispose of such appeals of the members of the Central Industrial Security Force as were still pending and the other Government servants who had not filed any appeal were given time till Sept. 30, 1985 to file the departmental appeal, if so advised, and the appellate authority was directed to condone the delay in filing the appeal and hear the appeal on merits. As the appeal preferred by the applicant on 23.7.1980 was still stated to be pending at the time the decision in the case of Tulsi Ram Patel (Supra) was rendered, he ^{could} ~~did~~ not file a second appeal on 22.8.1985 and his first appeal has to be disposed of by the respondents expeditiously if it has not already been disposed of.

3. We accordingly direct the respondents to dispose of the appeal dated 23.7.1980 alleged to have been filed by the applicant against his dismissal from service, if it has not already been decided, within a period of 4 months from the date of the receipt of the copy of this order. No direction for the disposal of the second appeal of the applicant can be given under the law. The application is disposed of accordingly at the admission stage.

L. H. M. S.
MEMBER (A) 6/5/87

S. S. Sharma
MEMBER (J) 6/5/87

Dated 6.5.1987
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