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Central Administrative Tribunal, Allahabad.

Registration O.A.No.299 of 1987

Radhey Shyam

... Applicant

Vs.

U.O.I and 2 others

... Respondents.

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

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

The applicant was working as Diesel Assistant in the Northern Railway. On a call given by the Trade Union of the applicant, he went on strike and was accordingly dismissed from service on 13.6.1980 without holding a formal disciplinary inquiry. He preferred a departmental appeal against his dismissal on 23.7.1980 but when the same was not disposed of, he filed writ petition no.3350 of 1982 in the Hon'ble Supreme Court which was decided with the bunch of writ petitions in the case of Union of India Vs. Tulsi Ram Patel (A.I.R.1985 SC-141-6).

The applicant thereafter preferred another appeal against his dismissal on 22.8.1985 allegedly under the direction of the Hon'ble Supreme Court but when this appeal was also not decided, he moved this petition under Section 19 of the Administrative Tribunals Act for a direction to the respondents to decide his appeal in accordance with law.

2.

We have carefully considered the contention, raised on behalf of the applicant in the

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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 disposed 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 law. The application is disposed of finally.

Shr 6/5/87
MEMBER (A)

6/5/87
MEMBER (J)

Dated 6.5.1987
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