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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No. 1015 of 1993

Dated: 16.11.1994

Faqir Das, son of Sri Pitai, Resident  
House No. 839 Dariyabad, District  
Allahabad, ... .... ...      Applicant.

( By Advocate Sri R.C. Sinha )

Versus

1. Union of India, through the Divisional Railway Manager, Northern Railway, Allahabad.
2. Assistant Mechanical Engineer, C & W Northern Railway, Allahabad.
3. Sri Abu Naseer, Enquiry Officer, Northern Railway, Allahabad. ... Respondents.

( By Advocate Sri Bharat Bhushan )

Hon. Mr. Justice B.C. Saksena, V.C.  
Hon'ble Mr. S. Das Gupta, Member(A)

( By Hon. Mr. Justice B.C. Saksena, V.C. )

By means of M.P. No. 2762 of 1994, it has been indicated that initially the applicant has preferred an appeal to the D.R.M. on 3.5.1993. The D.R.M. was not the appellate authority. On this being pointed out, the applicant preferred an appeal on 5.8.1993 to D.M.E. Northern Railway. It has also been indicated in this application that because of the pendency of this O.A., no decision on the appeal can be taken.

The learned counsel for the applicant in these

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circumstances submits that the D.M.E. Northern Railway be directed to dispose of the appeal of the applicant. Such a direction cannot be given since the D.M.E. concerned has not been impleaded as respondents. We, however, dispose of the O.A. It would be open to the applicant to communicate to the D.M.E. that the O.A. has been disposed of finally. It is no longer subjudice, <sup>and</sup> as such, the appeal <sup>can</sup> preferred before ~~him~~ be decided.

W  
Member(A)

B.C.R  
Vice-Chairman

(n.u.)