

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1038 of 2002

Allahabad this the 11th day of October, 2002

Hon'ble Mr.A.K. Bhatnagar, Member (J)

Shri Vishwa Nath Prasad Srivastava, S/o Shri Maha-deo, Retired Guard, R/o Near Meza Road, Station, Post Meza Road, District Allahabad.

Applicant

By Advocate Shri R.K. Upadhyay

Versus

1. Union of India through the Divisional Railway Operating Manager, Central Railway, Jabalpur.
2. The Area Manager, Central Railway, Satna, M.P. (Madhy Pradesh).
3. The Divisional Railway Manager, Central Railway, Jabalpur (M.P.).

Respondents

By Advocate Shri K.P. Singh

O R D E R (Oral)

By Hon'ble Mr.A.K. Bhatnagar, Member (J)

This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the prayer to quash the impugned order dated 27.4.00 passed by the Area Manager, Central Railway, Satna, and to direct the respondents to make the arrears of the salary, which has been reduced illegally from his salary at the rate of Rs.100/- per month, in accordance with law. The applicant has further prayed to direct

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the respondent no.1 to decide the appeal dated 02.05.2000 (annexure-2), which is pending before the respondent no.1.

2. The case of the applicant is that the applicant was Assistant Guard under the control of the respondents. All of a sudden on 18.09.97, he became seriously ill and got admitted in the hospital of Railway Satna. He was declared fit on 30.10.97 and joined on the same day with the medical fitness certificate. On the same day, he has said to have been given memo of suspension order w.e.f. 18.09.97. It is also stated that on 10.11.97 the suspension order was revoked by the respondents and he was reinstated on the same day. It is also stated that he received S.F. - 5 on 20.02.98, stating therein that how he was on rest on 15.09.97 and 16.09.97. It is alleged that an inquiry was instituted against him. The applicant had requested the respondents in writing for change of Inquiry Officer, but this request was not acceded to by the respondents. It is also stated that an exparte inquiry was conducted by the respondents without giving him proper opportunity to defend himself. The applicant is said to have retired on 30.06.00. Aggrieved by the ^{action of} ~~action~~ of the respondents, the applicant has filed an appeal for consideration to the respondent no.1 on 02.05.2000, which has not yet been decided, as per the applicant.

3. Learned counsel for the respondents has taken preliminary objection that the O.A. is time

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barred as the appeal was filed by the applicant on 02.05.2000 and the O.A. is filed on 10.09.02. have They/prayed for dismissal of the O.A .

4. However, without going into the merits of the case, I think it will be appropriate to direct the respondents to decide the appeal filed by the applicant on 02.05.02 within the stipulated time. Accordingly I direct the respondent no.1 to consider and decide the appeal of the applicant within 2 months in accordance with law. The O.A. stands disposed of accordingly. No order as to costs.


Member (J)

/M.M./