

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 05th day of September, 2003.

Original Application No. 1025 of 2003.

Hon'ble Mr. Justice R.R.K.Trivedi, Vice-Chairman.  
Hon'ble Mr. D.R. Tiwari, Member- A.

N.K. Sharma, working as Assistant Audit Officer  
in the office of A.G, U.P, Audit-I,  
Satya Nistha Bhawan, Allahabad.

.....Applicant

Counsel for the applicant :- Sri Vikash Budhwar

V E R S U S

1. Union of India through Controller and  
Auditor General of India, 10, Bahadur  
Shah Jafar Marg, New Delhi.
2. Accountant General Audit-I, U.P.,  
Allahabad.
3. Deputy Accountant General (Administration),  
in the office of the A.G (Audit-I), U.P.  
Allahabad.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R (Oral)

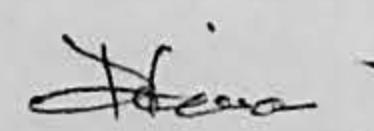
By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A filed under section 19 of  
Administrative Tribunals Act, 1985, the applicant  
has challenged the order dated 09.09.2002 (Annexure-I)  
by which respondent No. 3 ordered the penalty of dies-non  
with break in service under provision of FR 17-A. Against  
the aforesaid order applicant has filed appeal on  
22.10.2002 before the respondent No. 2 which is still

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pending. The grievance of the applicant is that appeal has not been decided and he is suffering/irreparable hardship. Hon'ble Supreme Court in case of S.S Rathor Vs. State of M.P, A.I.R 1990 (SC) 10 has held that departmental appeal and revision <sup>should</sup> ~~shall~~ be decided within period of three months to six months. The appeal of the applicant is pending before the respondent No. 2 for more than ten months.

2. Considering the facts and circumstances, as the appeal of the applicant is pending, it is not appropriate at this stage for this Tribunal <sup>to interfere,</sup> ~~except for~~ <sup>an</sup> direction to respondent No. 2, to consider and decide the appeal of the applicant in accordance with law by a reasoned order within two months from the date a copy of the order is filed.
3. There will be no order as to costs.

  
Member - A.

  
Vice-Chairman.

/Anand/