

(2)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1184 OF 2007
ALLAHABAD, THIS THE 10TH DAY OF DECEMBER, 2007

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

HON'BLE MR. K. S. MENON, MEMBER-A

Gurudin S/o Chhitu Ram Chowkidar,
Under Executive Engineer,
Central Ground Water Board,
Division IVI 228(B) Station Road,
Civil Lines, Bareilly, P.O. Bareilly
District Bareilly (U.P.)

. Applicant

By Advocate : Sri S. Ahmad

Versus

1. Union of India through the
Secretary, Ministry of Water Resources,
Govt. of India, New Delhi.
2. The Executive Engineer, Central Ground
Water Board, Division XVI, 228(B),
Station Road, Civil Lines, Bareilly
P.O. and District Bareilly, U.P.
3. The Regional; Director, Central Ground Water
Board, Northern Region, Bhoojal Bhawan, Rama Rama
Bank Chowraha, Aliganj, Lucknow P.O.
and District Lucknow U.P.
4. A. K. Banerjee, Retired Scientist 'D'
Inquiry Authority, 2K, 6 Jawahar Nagar Jaipur,
P.O. & District Jaipur.

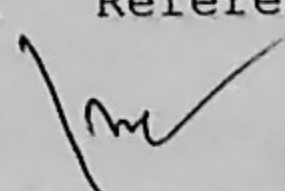
. Respondents

By Advocate : Shri S. Singh

ORDER

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

Applicant has averred that Departmental Appeal preferred about four months back, is still pending before the authority concerned. He says that since the Appellate Authority is keeping the matter with it and the applicant is due to retire in the month of January so this Tribunal should entertain the OA otherwise the authorities will make recovery of amount so mentioned in the Punishment Order. Reference has



also been made to the negative report submitted by the investigating agency under section 173 of the ^{cr. p.c.} ~~court~~ and its acceptance by the Court concerned.

2. We are of the view, that this OA should not be entertained at this stage when the appeal is pending and proper course seems to have to ask ^{the authority concerned} to dispose of [^] the pending appeal within a period of 15 days and in case, the applicant remains aggrieved even after disposal of the said appeal, he will be free to come to this Tribunal. Learned counsel for the applicant has requested that this Tribunal should ^{stay} ~~restrain~~ the recovery of the amount so mentioned in the Punishment Order. We think he can make this request to the Appellate Authority and it will be for the Appellate Authority to pass suitable order[^]. It will not be proper for us at this stage to touch the Punishment order directly or indirectly.

3. So this OA is disposed of with a direction to the Appellate Authority to decide the pending appeal within a period of 15 days from the date a certified copy of this order is so produced before it and in case, applicant has made or makes a request for staying the request of the amount so mentioned in the punishment order, it will ~~be~~ ^{be} considered⁵ and pass suitable orders. No Costs.

G. Menon
10.12.07 -
Member-A

J. C. Durvasa
10.12.07
Vice-Chairman