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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1184 OF 2007  
ALLAHABAD, THIS THE 10<sup>TH</sup> 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

O R D E R

**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

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also been made to the negative report submitted by the investigating agency under section 173 of the <sup>cr.p.c.</sup> ~~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 to dispose of <sup>the authority concerned</sup> 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 <sup>stay</sup> 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 orders. 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 considered and pass suitable orders. No Costs.

*Member-A*  
10.12.07

Member-A

*Vice-Chairman*  
10.12.07

Vice-Chairman

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