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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO. 770 OF 2007.

ALLAHABAD THIS THE 01TH DAY OF NOVEMBER, 2007.

Hon'ble Mr. Ashok S. Karamadi, J.M
Hon'ble Mr. K.S. Menon, A.M

Mohd. Mustim aged about 49 years,
S/o late Mohd Husain, Resident of 53-D/4,
Pura Fateh Mohd., P.O. Naini, Allahabad.

.....Applicant

(By Advocate: Shri Swayamber Lal)

Versus.

1. Union of India through
Defence Secretary, Ministry of Defence,
South Block, New Delhi.
2. The Engineer-in-Chief, Kashmiri House,
Army Headquarter, D.H.Q. P.O. New Delhi.
3. The Chief Engineer, Central Command,
M.E.S Lucknow.
4. The Commander Works Engineer,
M.E.S Headquarters, Allahabad.
5. Garrison Engineer (West), M.E.S
Allahabad.

.....Respondents

(By Advocate: Shri Saumitra Singh)

ORDER

By Mr. Ashok S. Karamadi, J.M

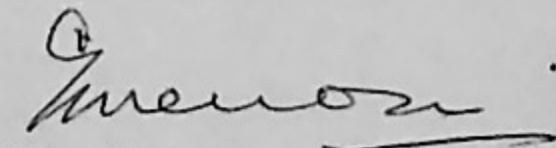
With the consent of counsel for the parties for disposal of, the main O.A. is taken up. The grievance of the applicant is that orders dated 30.1.2006, 21.03.2006 and dated 20.12.2004 passed by the respondents may be quashed. He has filed the appeal before the respondent's authorities on 31.5.2006. Since the said appeal was not considered and disposed of as on

today, hence this O.A. is filed for quashing of the orders mentioned above. The applicant himself has also produced the correspondence made by the respondent's authority as Annexures A-14, 15 and 16 with regard to his matter.


2. Learned counsel for the respondents states that since the applicant has filed the appeal and appeal is not disposed of by the Appellate Authority as on today, this O.A. is not maintainable as there is delay in filing the O.A. and if the appeal is pending, the Appellate Authority may be directed to dispose of the appeal of the applicant. Accordingly, sought for dismissal of the O.A.

3. We have heard the learned counsel for the applicant and respondents. On perusal of the pleadings and materials on record, it is clear that the applicant has filed the appeal before the Appellate Authority and the same is pending for consideration as on today. On having regard to the correspondence made by the respondents in the department internally, to consider the case and it is clear that respondents have not passed any order on the appeal filed by the applicant. In that view of the matter, we thought it just and proper to direct the respondents to consider and dispose of the appeal filed by the applicant within a period of two weeks from the date of receipt of a copy of the order.

4. With the above direction, the O.A. is disposed of. No costs.


Member-A

Manish/-


Member-J