

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
~~XXXXXXXXXX~~

O.A. No. ~~XXXXXX~~ O.A.No. 503 OF 1987

DATE OF DECISION 5-3-1991

Shri Udaisingh Jivubha Rana, Petitioner

Mr. M.K. Paul, Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondent s.

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S. Santhana Krishnan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

Shri Udaisingh Jivubha Rana  
Vivekanand Society,  
No.3, Block No.1  
Surendranagar.

.... Applicant.

(Advocate: Mr. M.K.Paul)

Versus.

1. The Union of India,  
Owning Western Railway,  
Through: General Manager,  
Western Railway,  
Churchgate, Bombay.

2. The Divisional Railway Manager,  
Western Railway,  
Kothi Compound,  
Rajkot.

..... Respondents.

(Advocate: Mr. B.R. Kyada)

O R A L O R D E R

O.A.No.503/87

Date: 5-3-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

Heard Mr. M.K. Paul, learned counsel for the applicant and Mr. B.R. Kyada, learned counsel for the respondents.

2. Both make a statement at the bar that the appeal application which the applicant had preferred against the order of the disciplinary authority has since been decided by the appellate authority. Mr. Kyada has shown <sup>M</sup>to us a copy of this order in appeal. This copy should be included in the record. Mr. Kyada also states that after the issue of this order in appeal he had filed M.A.19/89 <sup>G</sup>placed <sup>M</sup>on record a copy of this order in appeal <sup>h</sup>has also praying that in view of the appellate order the application has become infructuous. However, the processing of this M.A. is not known to him. We find that this M.A. is included in the file placed

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before us but apparantly without any action on it.

3. It is therefore not in dispute that the appellate authority has disposed of the appeal which was pending with the appellate authority filed by the applicant as averred in the Original Application on page 4 of the application in para 6.3 that the appeal application dated 7.2.87 was filed and not disposed of despite reminders dated 14.8.87 and 23.9.87.

4. Mr. M.K. Paul, learned counsel for the applicant wants us to adjourn the matter to <sup>e</sup> enable him to amend the Original Application suitably in view of the above appellate order. <sup>n</sup> We do not agree.

5. Reliefs sought in the application consist of a declaration that the dismissal order dated 11.1.87 is null and void and that the applicant <sup>n</sup> continues in service with all benefits of salary and seniority from the date of dismissal till the date of reinstatement.

6. Order in appeal is to the effect that since <sup>charges by</sup> ~~the parties~~ <sup>been by</sup> have not conclusively proved the order of dismissal passed by the disciplinary authority is not in order. However the appellate authority agreed with the disciplinary authorities' view regarding circumstantial evidence and found it <sup>that he is</sup> reasonable to infer from that quarrel had taken place and on this ground and for this reason passed the order of stoppage of passes for two years.

7. This order in appeal makes no mention as to how the intervening period from the date of dismissal of applicant pursuant to the order of the


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disciplinary authority and up to the date of reinstatement pursuant to the appellate authorities' order is to be decided. Mr. Kyada submits that the matter of decision of this intervening period is in process and a separate order will issue.

8. In view of the above we see no reason<sup>h</sup> why this Original Application should be kept pending. If the applicant is aggrieved by the order<sup>to be h</sup> issued by the respondents with regard to the treatment of the intervening period between the date of his dismissal and the date of his reinstatement, he shall be at liberty to seek redressal in proper forum according to law.

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9. We hereby ~~dismiss~~ this application as above without any order as to costs.

  
(S. Santhana Krishnan)  
Judicial Member.

*h. h. Singh*  
(M.M. Singh)  
Administrative Member.

ttc.