

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI

O.A No. 104

198⁹~~P.A. No.~~

DATE OF DECISION 3-5-1990

Shri Simon Dahyabhai Solanki PetitionerShri M.A.Kadri Advocate for the Petitioner (s)

Versus

Union of India & Ors. RespondentShri N.S.Shevde Advocate for the Respondent(s)

CORAM .

The Hon'ble Mr. M.M.Singh

: Administrative Member

The Hon'ble Mr. N.R.Chandran

: Judicial Member

JUDGMENT

(4)

Simon Dahyabhai Solanki
Railway Quarter Block No.153,
Quarter No.D, Near Loco Shed
Kankaria Maninagar,
Ahmedabad-380 008
Ex-Wheel Taper Wagon Foreman (B.G.)
Kankaria.

: Applicant

Versus

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

2. The Divisional Rail Manager,
Vadodara Division,
Pratapnagar, Vadodara.

: Respondents

Coram : Hon'ble Mr. M.M.Singh

: Administrative
Member

Hon'ble Mr. N.R.Chandran

: Judicial Member

ORAL ORDER

Date: 3/5/1990

Per: Hon'ble Mr. N.R.Chandran

: Judicial Member

The above application has been filed challenging the order of removal dated 23.2.1980. The learned counsel for the applicant submits that the applicant had filed an appeal as early as on 23.1980. He also sent reminder on 5.8.1983. Subsequently lawyer's notice ^{was} ~~has~~ sent on 8.4.85 requesting to communicate the early decision of his appeal. Till now the appeal has not been disposed of. Therefore he has approached this Hon'ble Tribunal for relief.

On the other hand, the learned counsel for the respondents submits that the applicant is challenging an order dated 23.2.1980 and therefore the application is barred by limitation and he prays that the application is to be dismissed. On the documents produced by the applicant namely Annexure A-2, A-3, A-4 and A-5, it is clear that the applicant had filed an appeal and the same is pending and the appellate authority has not passed

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the Conclusion of

any orders. Since the appeal is pending, the learned counsel for the respondents urging that the application is barred by limitation ~~and it~~ is not sustainable. The learned counsel for the applicant produces an order in OA/210/87, dated 26.7.1989 wherein this Tribunal had issued a direction to the appellate authority to dispose of the ^{appeal} ~~application~~ within four months in similar circumstances. Therefore we are directing the respondents to dispose of the appeal filed by the applicant as seen from the Annexure A-2. If the papers are not available the copy of Annexure A-2 is to be treated as a Memorandum of appeal and necessary orders should be passed. Learned counsel for the respondent contends that because of lapse of time, there is a possibility that the necessary records would not be available for disposal of the appeal. In which case, the second respondent may direct the applicant to produce the available records for a proper disposal of the appeal. The learned counsel for the applicant has no objection for producing such a papers as are available for the disposal of the appeal before the second respondent. Hence, the direction is issued to dispose of the appeal filed by the applicant on 23.3.1980 (Annexure A-2) and final orders should be passed within four months of the date of this order. The petitioner may pursue any cause if it remains, by a fresh application. With the direction, the application is disposed of, but no costs.

N.R. Chandran

(N.R. Chandran)
Judicial Member

M.M. Singh

(M.M. Singh)
Administrative Member

a.a.b.