

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~NEW DELHI~~

O.A. No. 272 1981
~~XXXXXX~~

DATE OF DECISION 6.8.1991

Shri Kishor B. Shah Petitioner

Shri K.S. Jhaveri Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh : Member (A)

The Hon'ble Mr. S. Santhana Krishnan : Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Shri Kishor B. Shah,
C/28, Lalita Colony,
Opp. Viratnagar,
Isanpur,
AHMEDABAD - 382 443.

: APPLICANT

(Advocate : Mr. K.S. Jhaveri)

VS.

1. Union of India, through
The General Manager,
Western Railway,
Churchgate,
BOMBAY -400 020.
2. The Divisional Railway Manager,
Divisional Office,
Western Railway,
Pratapnagar,
BARODA - 390 004.
3. Senior Divisional Commercial Supdt.,
Western Railway,
Pratapnagar,
BARODA -390 004.
4. Divisional Commercial Supdt.
Western Railway,
A'bad Railway Station,
AHMEDABAD - 380 001.

: RESPONDENTS

(Advocate : Mr.N.S. Shevde)

CORAM : Hon'ble Mr. M.M.Singh : Admn. Member
Hon'ble Mr.S.Santhana Krishnan : Judicial Member

O R A L - O R D E R

O.A. No.272 of 1991

Date : 9.8.1991

Per : Hon'ble Mr.M.M.Singh : Admn. Member

Heard Mr.K.S. Jhaveri learned counsel for the applicant. Mr. N.S. Shevde learned counsel enters appearance for all the respondents.

2. This original application under Section 19 of the Administrative Tribunals Act, 1985, has been filed

against the non- action on the part of respondent No.3, The Senior Divisional Commercial Superintendent, in not passing ^{any order in} the applicant's application seeking stay of the implementation of the order of punishment passed by the Disciplinary Authority and the relief prayed ⁱⁿ ~~consents~~ to direct respondent No. 3 to hear the stay application of the applicant and also dispose of the appeal application filed by the applicant. There is a prayer also for interim relief seeking restraining ~~of~~ the respondents from implementing the order dated 20.8.1990 passed by the Divisional Commercial Superintendent, and stay the execution and operation of the order dated 22.11.1990.


3. From the record annexed to the application we notice that it is the case of the applicant having been punished at the end of Departmental Inquiry, against which, he preferred appeal dated 25.9.1990 to the Senior Divisional Commercial Superintendent, Western Railway, Vadodara. By another application dated 3.10.1990, the applicant represented to Senior Divisional Commercial Superintendent seeking immediate and urgent stay against the operation of the penalty. As this stay was not given, the applicant filed the present application.

4. The Departmental Appellate Authority has to deal with the appeal application filed against the order of punishment in accordance with law and Rules and dispose of the appeal application. If this application is not disposed of within a period of six months from the date of its being filed, the applicant has the remedy to approach this Tribunal against the order of punishment. There is no provision in the Administrative Tribunals Act ^{and} Rules 1985 to approach the Tribunal for any interim interlocutory request made in the

appeal application which allegedly has not been considered by the appellate authority.

5. The applicant is at liberty to file original application against the final order of the Disciplinary Authority. ^{Mandate of the appellate authority as per law.} This application ~~thus~~ ^{is} filed does not deserve any further consideration. We therefore reject the same.


(S. SANTHANA KRISHNAN)
Member (J)


(M. M. SINGH)
Member (A)

*Ani.

Shri Kishor B. Shah,
C/28, Lalita Colony,
Opp. Viratnagar,
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AHMEDABAD - 382 443.

: APPLICANT

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AHMEDABAD- 380 001.

: RESPONDENTS

(Advocate : Mr.N.S. Shevde)

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

: Admn. Member

Hon'ble Mr.S.Santhana Krishnan

: Judicial Member

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(S.SANTHANA KRISHNAN)
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