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(A)

OA-396/95-

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Sl. No. of Order	Date of Order	Order with Signature	
14	12.2001	<p>This 1995 matter has been fixed to this day for hearing and final disposal at the admission stage. During mention hour on behalf of Shri D.S.Mishra, learned counsel for the petitioner an adjournment was sought. As this is an year old matter and several adjournments have been granted in this case, the prayer for adjournment was rejected. When the matter was called, none appeared for the petitioner. In view of this, we have heard Shri R.C.Rath, learned Addl.Standing Counsel and perused the records.</p> <p>In this O.A. the petitioner has prayed for a direction to respondents to dispose of the appeal pending with D.R.M.S.E.Railway (Res.3) within a stipulated period. Applicant, according to his version is working as Traction Foreman in Electrical Loco Shed, Bandamunda. This O.A. has been verified and filed on 4.7.1995. Respondents in their counter have stated that the applicant had been transferred to Bhilai and has been relieved from Bandamunda on 15.5.1995. This has been mentioned</p>	<p>order no - 5 dt 14.3.96 may be seen</p> <p>Counter not filed. For Admission.</p> <p><u>21.5.96</u> Bench</p> <p>counter not filed For admission.</p> <p>Bench</p> <p><u>4.7.96</u></p> <p>Counter filed. For admission.</p> <p><u>118</u> Bench</p> <p>For admission.</p> <p><u>21/11</u> Bench</p> <p>For admission.</p> <p><u>27/11</u> Bench</p> <p>For admission.</p> <p><u>13/12</u> Bench</p>

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		<p>in Page-2 of the counter and has not been denied by the applicant by filing any rejoinder. In this view of the matter this O.A. is not maintainable before this Bench of the Tribunal. Furthermore, the prayer in the O.A. is for disposal of xxx appeal at Annexure-4 which is dated 29.4.1989 and the applicant has approached the Tribunal only in 1995. Moreover, Annexure-1 is addressed to General Manager, S.E.Railway, whereas the prayer is made for direction to D.R.M., S.E.Railway(Res.3) to dispose of the appeal. In view of the above, we hold that the O.A., besides being not maintainable is devoid of any merit and the same is, therefore, rejected.</p> <p>No costs.</p>	<p>Free copy of the order dt. 14-12-01. given to the both counsel.</p> <p><i>Patra</i> 21/12</p> <p><i>Pennath Ven</i> VICE CHAIRMAN 14-12-2001</p> <p><i>S.O</i></p>

MEMBER (JUDICIAL)

VICE CHAIRMAN