

M/S. D.S. Mishra
S. Behera
D. Roy
CAT/131
SN Biswal
B. Acharya

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A. No..... 881/1996

Dhananjay Singh, Applicant(s)
Versus
Union of India & Ors, Respondent(s)

Sr. No.	Date	Order with Signature
	20.11.96	<p style="text-align: center;">REGISTER</p> <p style="text-align: center;">Registrar</p> <p style="text-align: right;">20.11.96.</p>
1	11.12.96	<p>Shri D.S. Mishra, counsel for the applicant, it is stated is busy in S.A.T. Adjourned to 12.12.1996.</p> <p style="text-align: center;">MEMBER (ADMINISTRATIVE)</p> <p style="text-align: right;">Order dt. 26.11.96.</p> <p>Counsel for the petitioner appears. Defects be removed by three weeks.</p> <p style="text-align: right;">26.11.96.</p>
2	12.12.96	<p>In this Application the applicant prays for a direction to quash the total proceedings which resulted as per Annexure-1 in the penalty of withholding of promotion for five years on the ground that the proceedings are void ab initio, malafide and violate the principles of natural justice. The interim prayer is for a direction to the Divisional Railway Manager (Respondent No.3) to dispose of the appeal that is pending with him. Learned counsel Shri D.S. Mishra has taken me through Annexure-2 dated 14.12.1993 filed before the D.R.M. against the punishment order dated 15.11.1993. The applicant</p> <p style="text-align: right;">Defects removed. For Regn. pl. Admin. 09.12.96 S.C.G.</p> <p style="text-align: right;">Registration 10.12.96</p> <p style="text-align: right;">For Admin. Please Bench</p>

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
..2	12.12.96	<p>also sent a reminder to the D.R.M. on 9.9.1995. This is a statutory appeal pending before the D.R.M. The very purpose of filing the appeal was to seek relief from the penalty of withholding of promotion for five years. There is no stay of that order and consequently three out of five years have passed without any remedy to the applicant.</p> <p>This Original Application, on hearing the learned counsel for the applicant, can be disposed of by issuing a direction to the D.R.M. (Respondent No. 3). The D.R.M. is hereby directed that he shall dispose of the appeal preferred vide Annexure-2 to this Application within a period of six weeks from the date of receipt of the order. Considering the grounds of challenge to Annexure-2 which touched the very roots of the case, the D.R.M. is also directed to afford a personal hearing to the applicant ^{and} after hearing him, he shall pass a reasoned order.</p> <p>With this direction this Application is disposed of at the admission stage itself.</p> <p>Hand over a copy of the order to the petitioner's counsel.</p> <p>Applicant's counsel seeks permission to serve notice by (dusti) hand on the Respondents. He is permitted to do so.</p> <p><i>[Signature]</i> MEMBER (ADMINISTRATIVE)</p>	<p>Free copy of the order dt. 12-12-96 with C.A. copies may be handed over to the applicant's counsel for dusti service on all respds. The same copy of the order may also be handed over to the applicant's counsel. The record is on 13-12-96.</p> <p><i>Patra</i> 16/12</p> <p><i>R</i> <i>S 16/12</i></p> <p><i>Received dusti in Encls.</i> <i>order by</i> <i>16-12-96</i></p>