

13. ORDER DATED 19-2-2001.

Heard Shri B.K. Panda, learned counsel for the applicant and Shri R.C. Rath, learned Additional Standing Counsel for the Railway Department.

Applicant a gangman challenges the order dated 17-6-1997 of the Disciplinary Authority (Annexure-3) removing him from service on the ground of his unauthorised absence. According to him he was suffering from Hemi plasia and on the advice of the doctor he was forced to take full rest from 10-12-1995 to 11-1-1997. Because of the illness he could not attend his duty. Against the order of removal he preferred departmental appeal under Annexure-4. Thereafter he preferred this O.A.

Respondents Department while opposing the application on various grounds take the stand that the application is not maintainable as no Departmental appeal has been preferred. On the other hand the applicant in his rejoinder reiterated that he preferred the departmental appeal.

During the hearing, the learned counsel for the applicant brought to our notice two other cases of gangmen, who were removed like the applicant from service on the ground of unauthorised absence, preferred appeal and their appeals were duly considered (vide OA Nos. 395/99 and 397/99). He suggested that the applicant should get an opportunity to prefer a departmental appeal since the department strongly deny his preferring appeal earlier. In view of the submissions, we dispose of this O.A. with a direction to the applicant to prefer the departmental appeal within a period of 30 days from today and in the event of filing of such appeal the appellate authority shall dispose

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

of the appeal within a period of 90 days thereafter after relaxing the period of limitation prescribed under the Departmental Rules and intimate the result to the applicant within a period of 15 days thereafter.

In the result, therefore, the Original Application is disposed of with the observations and directions made above. NO costs.

Free copies of
final order dt. 17.2.01
given to both sides

17.2.01
20/2/01

By
S.O.D.

SOMNATH SOM
VICE CHAIRMAN

17.2.01
(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.