

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

a copy of appeal memo dt. 24.10.2003 to Mr. Panda, ie the course of the day.

Copy of order dt. 25/5/04
issued to the counsel
for both side.

Disappn.
S.O.

NR
22/5/04

M.A. NO. 903/04 and
M.A. 24/05 for appropriate
order. Copies served.

on memo.

Bench

NR
23/2/05

Vice-Chairman

Member (J)

Order dated 28.2.05

Order No.1

Heard Mr. Achintyadas, Ld. Counsel for the applicant and Mr. P.C. Panda, Ld. Counsel for the Respondents.

Mr. Panda, Ld. Counsel for the Respondents by filing a Memo seeks permission to withdraw the M.A. 24/05, in view of the fact that the another M.A. 903/04 on the same issue has already been filed by the Respondents.

Having heard him, permission is granted to withdraw. Accordingly M.A. 24/05 is disposed of.

Member (J)

Vice-chairman

Order No.2

Heard M.A. 903/04 filed by the Respondents.

Mr. P.C. Panda, Ld. Counsel for the Respondents submitted that the O.A. is not maintainable as alternative remedy in the matter is available. He further stated that the applicant has, in the meantime, after the

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disposal of his appeal on 14.6.04, filed a Review Petition before the Appellate Authority.

In the circumstances, petitioner could not have been allowed to pursue the matter in this O.A.

Heard Mr. Achintya Das, Ld. Counsel for the applicant who submitted that it is by virtue of the Tribunal's order dtd. 3.11.03, the Appellate Authority was directed to dispose of the appeal filed by him, pending before the authority, within the stipulated time frame. After the appeal was disposed of by the concerned authority by the order dtd. 14.6.04, as per the direction contained in that order that the applicant was within his right to prefer, within 45 days from the communication of that order of the Appellate Authority dtd. 14.6.04, an appeal to COM/GRC, he had filed that Revision Petition.

Having heard both the sides and having found that in pursuance of order dtd. 3.11.03, Respondents have disposed of the appeal and on receipt of the order of appeal, applicant in terms of the provisions contained in the

Railway Servant (appeal and Disciplinary) Rule, 19 has submitted a petition before the Revision Authority, there is lot of force in the submission made by the Respondents that this application is no longer maintainable in view of the decision of the Apex Court extracted in the case of S. Jagadeesan vrs Ayya Nadar Janaki Ammal, AIR 1984 SC 1512.

We order accordingly and the O.A. is disposed of.

Member (J)

Vice-chairman

Copy 2 made dt. 28/6/05
forwarded to the Counsel

for both sides.

W. 10/3/05
S. Q.

MV
10/3/05