

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 181 of 2002

Applicant (s) Arun Kumar Sivaprasad .. Respondent (s) Union of India

Advocate for Applicant (s) M/s. P. V. Ramdas Advocate for Respondent (s)

P. V. Bala Krishnan

consideration done below, I, the undersigned, the Hon'ble Chairman of the Central Administrative Tribunal, do hereby order as follows:

That the application filed by the applicant is dismissed.

That the application filed by the respondent is dismissed.

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NOTES OF THE REGISTRY | ORDERS OF THE TRIBUNAL

Amount of Rs. 50/-

has been fixed.

REGISTER

Amount of Rs. 50/-

has been fixed.

Amount of Rs. 50/-

01. ORDER DATED 19-04-2002.

Registrar

Heard Mr. P. V. Ramdas, learned Counsel

for the Applicant and Mr. D. N. Mishra, learned

Standing Counsel (Railways) on whom a copy

of the petition has been served. In view of

the simple nature of prayer made in this

original Application, I proceed to dispose

of this Original Application at the stage

of Admission.

Short facts of this case are that

while disposing of the Original Application

No. 619/2000 on 19th October, 2000 earlier

the (C. of 1961) filed by the Applicant, a Division Bench of this

J

Tribunal, directed the Appellate Authority to dispose of the appeal of the Applicant expeditiously. The relevant portion of the order/judgment dated 19th October, 2000 is extracted below:

"xx xx the appeal, under such circumstances shall not be dismissed on the ground of limitation and the Appellate Authority shall dispose of the same expeditiously. The impugned order under Annexure-6 will remain inoperative till the disposal of the appeal as directed above".

It is the case of the Applicant that he submitted the appeal under Annexure-4, dated 3-1-2001 which has been received by the Respondents on 4-1-2001. Although more than a year have elapsed in between, the Respondent/Appellate Authority, has not yet passed any order on the appeal, under Annexure-4 and in the said premises, the Applicant has filed the present original Application for a direction to the Appellate Authority to dispose of his appeal within a specified time. The prayer as made in the present original Application is extracted below:

Serial, and in the said appeal, " (i) Issue a direction to the Respondent No. 2 to pass appropriate orders on the appeal presented vide Annexure-2 keeping in view the observation contained in Annexure-1;

Alternatively it is prayed that Respondent No. 3 be directed to pass appropriate order(s) on the memorandum of Appeal vide Annexure-4 keeping in view the observation contained in Annexure-1".

Having heard Mr. Randas, Learned Counsel for the Applicant and Mr. Randas, learned Counsel for the Applicant appearing for the Railways, the Respondents (especially Respondent No. 3) are

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S.A. No. 181/2002.

Contd... Order No. 1, Bt. 10-04-2002.

directed to dispose of the appeal of the Applicant (under Annexure-4) within a period of four weeks from the date of receipt of a copy of this order, keeping in view the observations made in the earlier Original Application No. 619/1999 disposed of on 19th of October, 2000.

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

Send copy of this order alongwith copies of the Original Application to the Respondent No. 3 at the cost of the Applicant. As undertaken by Mr. Randas, the required postage shall be furnished by 12-4-2002. Hand over free copy of this order to the Advocate for the Applicant and Mr. Mishra, learned Standing Counsel for the Railways alongwith an extra copy of the OA.

As per order dt. 10.4.02
the copy of order dt. 10.4.02
alongwith O.A. copy issued
to R-3 by Regd. A.D. Posts.
(Postal requisites filed)
The same copies issued to
Counsel for both side.

PA 714
S.O.

MEMBER (JUDICIAL)

Y. S. Deo
10/04/2002

By
17/4/02