

Notes of the Registry

Orders of the Tribunal

For Adoniram w/o
Mr 981/2004 for
condemnation of delay —
copy served.

Brar
17/3/02.

00.20.20.03.2006

Copied & ready
Copies of OA
Served to all
respects. Copied
A. order hand
over to book
the Counsel

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20/3/02
S-67

ORDER DATED: 20.03.2006

Applicant having faced a minor penalty vide order under Annexure-10 dated 18.05.2000 preferred an appeal under Annexure-11 dated 27.12.2000. No heed having been paid to his said appeal memo placed at Annexure-11, the Applicant submitted a representation under Annexure-12 dated 18.05.2001. Having heard nothing from the Respondents, the Applicant has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985. A copy of this O.A. has already been served on Mr. R.C.Rath, Ld. Standing Counsel for the Railways.

Heard Mr. Agasti Kanungo, Ld. Counsel appearing for the Applicant and Mr. R.C.Rath, Ld. Standing Counsel for the Railways and perused the materials placed on record.

It appears the appeal under Annexure-11 dated 27.12.2000 was time barred. But on perusal of the appeal memo under Annexure-11 dated 27.12.2000, it appears that that Applicant/Appellant gave some reasons for delayed submission of his appeal. The explanation for delayed submission of the appeal appears to be covered under Section 14 of the Limitation Act.

In the aforesaid premises, since the appeal of the Applicant, as submitted under Annexure-11 dated 27.12.2000, is still pending, without entering into the merits of the matter, this O.A. is hereby disposed of with direction to the Respondents to give consideration in the matter (of appeal) and pass a consequential order by

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taking into consideration the explanations (for appeal) given by the Applicant. In all fairness of the things, since it is said by the Ld. Counsel for the Applicant that the original dispute (relating to transfer) is still pending in the Hon'ble High Court of Orissa in O.J.C.No. 4584/2000, the Respondents should keep that aspect of the matter in mind while dealing with the appeal of the Applicant. The Applicant, in order to show his bonafide, should also place before Appellate Authority the up to date status of the Writ Petition stated to be still pending in the Hon'ble High Court of Orissa, expeditiously.

With the aforesaid observation and direction, this Original Application stands disposed of.

Send copies of this order to the Respondents, along with copies of this O.A., and free copies of this order be sent to the Applicant in the address given in the Original Application, to the Ld. Counsel appearing for the Applicant and to Mr. R.C.Rath, Ld. Standing Counsel for the Railways.

John
20/03/06
MEMBER (JUDICIAL)