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O.A. No. 813 OF 2006.

Order dated 01.12.2006.

Heard Mr. A.A.Das, Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Railways; on whom a copy of this OA has already been served.

Applicant questions his removal order dated 31.05.2004 (Annexure-A/8) following a disciplinary proceedings instituted against him. In paragraph 6 of the said order of punishment dated 31.05.2004, the Applicant was made aware that he has a right to prefer an appeal before the SDGM, S.E Railways (Respondent No.2) within a period of 45 days.

The Applicant, however, after suffering much delay, filed the appeal on 17.04.2006, before the Appellate Authority. Since the same appears to remain un-disposed of, keeping the question of maintainability and limitation open, this Original Application is disposed of with direction to the Appellate Authority/SDGM, S.E. Railways (Respondent No.2) to dispose of the appeal petition of the Applicant dated 17.04.2006, if pending, on merit as per Law within three months from the date of receipt of a

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copy of this order and communicate the result thereof to the
Applicant.

Send copies of this order to the Respondents along
with copies of the OA and free copies of this order be given to
Learned Counsel for both sides.

BB/ln
MEMBER(A)