

O.A. No. 20/07

ORDER DATED 25th JULY, 2008

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

This Original Application is filed with the following prayers:

"To quash the memorandum No.DPO/KUR/D&A/Minor (Annexure-A/3) and order P/Sr.DPO/KUR/D&A/ BKP/Minor (Annexure-A/6)." dt.23.03.2004 No. dt.24.03.2005

2. Heard Mr.P.K. Chand, Ld. Counsel for the applicant and Mr. T. Rath, Ld. Counsel for the Respondents and perused the records along with this Original Application.

3. The Counsel for the applicant though has prayed for quashing of Annexure-A/3 and Annexure-A/6, now limits his prayer for a direction to the appellate authority, who is working under Respondent No.2, to dispose of Annexure-A/7, the appeal, as early as possible. The deviation from the prayer of the Counsel for the applicant is on the ground that since the appeal is pending before the appellate authority, unless and until it is established that the impugned or final order itself is within the jurisdiction of this Tribunal, there is limited scope

for the Tribunal to interfere in the matter under Section 19 of the Administrative Tribunal's Act, 1985.

4. The Counsel for the Respondents also adhered to the position canvassed by the Counsel for the applicant. Taking into consideration the stand now taken by the Counsel on either side, this Tribunal is of the view that this Original Application can be disposed of at this stage without considering any of the grounds urged in the O.A. on merits, by directing the appellate authority working under Respondent No.2 to dispose of the Annexure-A/7, appeal filed by the applicant within a reasonable time.

5. Accordingly, this O.A. is disposed of with a direction that the appellate authority, working under Respondent No.2, viz., A.D.R.M., East Coast Railway, Khurda Road, Dist-Khurda, shall dispose of the appeal within a reasonable time at any rate within 30 days from the date of receipt of this order. This direction is issued on going through the facts and circumstances of this case, and the disposal of the O.A. in the above manner would not preclude the applicant from challenging the appellate order, if any, against him, and this order would not operate as res judicata.

Uk appn
MEMBER (J)