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O.A.No. 396 of 2010

Madan Mohan Roy Applicant

-Versus-

Union of India & Others Respondents

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Order dated: the 3rd August, 2010.

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THE HON'BLE MR.G.SHANTHAPPA, MEMBER (J)

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THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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Heard Mr. M.K.Rath, Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Respondents/Railway and perused the materials placed on record. Applicant is at present working as Mail Express Guard, East Coast Railway, Sambalpur. By filing this Original Application under section 19 of the A.T. Act, 1985 he seeks to quash the order of punishment imposed by the Disciplinary in order under Annexure-A/6 dated 07-04-2009 imposing the punishment of **"withdrawal of his annual increment for 03 years with NCE"** and the order of the Appellate Authority rejecting the appeal of the Applicant under Annexure-A/8 dated 14-07-2009. It is the case of the Applicant that being aggrieved by the aforesaid order of the Disciplinary as well as Appellate Authorities, he preferred Revision Petition to the Revisional Authority on 20th November, 2009. As no order was communicated to him on his revision petition he approached this Tribunal in the present OA with the aforesaid prayers. Applicant has taken the legal ground that as the orders of the Disciplinary as well as Appellate Authorities are illegal and no decision has been on his Revision Petition, direction be issued to the Revisional Authority to take a view on his Revision Petition preferred by him on 20th November, 2009. Further he seeks liberty to make another petition in continuation of his revision petition making




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some additional grounds. Learned Standing Counsel appearing for the Respondents submitted that he has no objection if such direction is issued to the Revisional Authority to decide the pending Revision Petition of the Applicant within the time stipulated.

In view of the above, since it is the positive case of the applicant that no decision has been communicated to him on his revision petition dated 20th November, 2009 under Annexure-A/9 by the Revisional Authority till date, the Applicant is permitted to file petition in continuation of his Revision Petition under Annexure-A/9 as quickly as possible, and in that event, the Revisional Authority is hereby directed to consider and dispose of the Revision Petition of the Applicant, if at all the same is still pending with him by taking into consideration the points now the applicant will furnish in the petition to be preferred by him in continuation of the Revision Petition already filed by him in Annexure-A/9 and communicate the result thereof in a well reasoned order to the applicant, in any event, within a period of three months from the date of receipt of this order.

With the aforesaid observation and direction this OA stands disposed of at this admission stage.

Send copies of this order along with copies of the OA to the Respondent No.2 for compliance.


Member (Admin.)


Member (Judicial)