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O.A. No.510/2011

ORDER DATED 13th OF SEPTEMBER, 2011

Chaith Ram.....Applicant

Vrs.

Union of India & OthersRespondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER ADMN.

&

HON'BLE MR. A.K. PATNAIK, MEMBER JUDICIAL.

Heard Sri D.P. Mohapatra, Ld. Counsel on behalf of Sri Umakant Patnaik, Ld. Counsel for the applicant and Sri S.K. Ojha, Ld. Standing Counsel for the Rlys/Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This Original Application has been filed by the applicant with the following relief:-

"(i) To quash the order No.WM/D&A/Chaith Ram/Appeal/8370 issued by DRM O/O DRM(M) W AT 01.06.2010.

(ii) To direct the Respondents to restore the position of the applicant in his post of loco pilot and to grant him all consequential service benefits including the financial benefit as well as arrear for the period which the applicant has been illegally deprived of his legitimate dues."

3. According to the applicant, presently he is working as a Loco Pilot under the Administrative Control of Crew Controller, Rayagada in the East Coast Railways. On 08.11.2009 he was charge sheeted under Rule-11 of RS/D&A Rules 1968 (Annexure-A/1). In reply to the chargesheet the applicant submitted his explanation on 23.12.2009 (Annexure-

A/2). On 01.06.2010 Respondent No.2 issued a punishment order vide Annexure-A/3 withholding his next increment for a period of one year (NCE). On receipt of the order of punishment, the applicant preferred an appeal to Respondent No.3 on 16.07. 2010 (Annexure-A/4) with a prayer to cancel the punishment order. Having received no reply, the applicant has moved this Tribunal in the present O.A. seeking the relief as aforesaid.

4. We have perused the record and find that the appeal dated 16.07. 2010 (Annexure-A/4) is pending for decision by the competent authority. Hence it would be desirable to await the same decision.

5. Accordingly, as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent No.3 is directed to consider and dispose of the pending appeal dated 16.07. 2010 (Annexure-A/4) and pass a speaking & reasoned order within a period of 45 days from the date of receipt of copy of this order, under intimation to the applicant.

6. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

7. Send copy of this order along with copy of the O.A. to Respondent No.3.

Alka
MEMBER JUDL.

Ch. A. M.
MEMBER ADMN.