

O.A. No.522/2011

ORDER DATED 29th OF AUGUST, 2011

H.K. Tripathy.....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 A.K. Panda, Ld. Counsel for the applicant and S.K. Ojha, Ld. Standing Counsel for the Railways/ 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:-

- "(a) To quash/set-aside the order of removal dt.d.27/28.11.2009 passed by the Respondent No.4.
- (b) To direct the Respondents to pay the applicant all consequential service benefits treating him in service."

3. It is the contention of the applicant that initially he joined as casual gangman under the control of D.R.M., erstwhile S.E. Rly., Chakradharpur and after working some years, he was posted as Jr. Clerk in 1989 and was deputed to construction Division, Talcher. Thereafter he appeared at the suitability test and promoted to the post of Sr. Clerk/Head Clerk. While working as such, a C.B.I. trap was laid ~~down~~ against him, as a result of which a disciplinary proceeding/departmental proceeding was initiated against him. Pursuant to the above charge an enquiry was conducted (ex parte), and basing upon the report of the said enquiry, the disciplinary authority vide order dated 25.12.1999 passed an order removing the applicant

from service which was subsequently upheld by the appellate authority vide order dated 25.02.2000. On the appeal preferred by the applicant against the said order of removal challenging the order of the Appellate Authority the applicant filed a revision dated 03.08.2010 vide Annexure-A/8 before the Respondent No.3 which is pending till date.

4. Sri Panda, Ld. Counsel for the applicant submits that since the revision petition is pending at this stage he will be satisfied if a direction is issued to Respondent No.3 to consider the revision dated 03.08.2010 vide Annexure-A/8 and dispose of the same with a reasoned/speaking order within a specific time frame.

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 revision petition dated 03.08.2010 vide Annexure-A/8 and pass a speaking & reasoned order within a period of 60 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 at the cost of the applicant for compliance. Sri Panda Ld. Counsel for the applicant undertakes to deposit the postal requisites in course of the day. Free copies of this order be also made over to the Ld. Counsel for the parties.


MEMBER JUDL.

K.B


MEMBER ADMN.