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O.A. No.528/2011

ORDER DATED 13<sup>th</sup> OF SEPTEMBER, 2011

Chaith Ram.....Applicant  
Vrs.

Union of India & Others .....Respondents

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/2051 dated 25.04.2011 issued by SR. DRM O/O DRM(M) W AT

(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 benefits as well as arrear for the period which the applicant has been illegally deprived of his legitimate dues."

3. It is the contention of the applicant that presently he is working as a Loco Pilot under the Administrative Control of Crew Controller, Rayagada and is an employee of East Coast Railway. On 07.01.2011 a charge sheet was issued by Respondent No.2 vide Annexure-A/1. In reply to the chargesheet the applicant submitted explanation on 21.01.2011 (Annexure-A/2). On 25.04.2011 Respondent No.2 had issued a punishment order for withholding of two

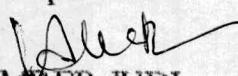
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(02) sets of privilege pass in 2011 if not due, then in 2012 vide Annexure-A/3.

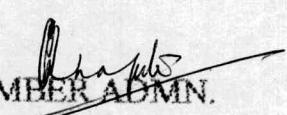
4. It reveals from the record that the applicant, without availing the opportunity of statutory appeal, has approached the Tribunal. When pointed out, Sri Mohapatra, Ld. Counsel submits that the applicant may be allowed to make a detailed appeal to the competent authority and accordingly, appellate authority may be directed to consider and dispose of the same within a stipulated period.

5. Accordingly, as agreed to by the Ld. Counsel for the parties without going into the merit of the case, applicant is allowed to prefer appeal within a period of 15 days and the appellate authority (Respondent No.2 is directed to consider and dispose of the appeal through a reasoned & speaking order within a period of 45 days from the date of receipt of such an appeal.

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

7. Copies of this order be made over to the Ld. Counsel for the parties.

  
MEMBER JUDL.

  
MEMBER ADMN.