

Jayprakash Dandapat .... Applicant  
Versus  
Union of India and Ors .... Respondents

1. Order dated 4<sup>th</sup> June, 2009.

C O R A M

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

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Applicant is a Loco Pilot (Goods) Grade II under the Station Manager, Cuttack. He having been issued with the order of punishment of reversion from the present grade and pay to the grade of Loco Pilot (Shunter) Grade I for a period of 12 months under Annexure-A/9 dated 06/13.05.2009, has approached this Tribunal to quash the order of punishment. By way of interim order, he also seeks stay of the order of punishment till disposal of this OA. On a focused question that he has approached this Tribunal without any appeal as provided under the rules/statute of the railway, he has contended that Sr. Divisional Mechanical Engineer of the E.Co.Railway, Khurda Road is his appellate authority. Since the charge sheet under Annexure-A/1 has been issued by an authority for and on behalf of Sr. Divisional Mechanical Engineer, making appeal will be an empty formality as he would not get any justice from him.

Having heard the parties at length, I do not see any force in this contention of the Learned Counsel for the ~~Respondents~~ Applicant. On perusal of records, it is seen that still time is available to the applicant to prefer appeal. Therefore, as agreed to by Learned Counsel for the Applicant, this OA is disposed of

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at this admission stage by granting liberty to the applicant to file appeal taking all the grounds taken in this OA within the stipulated period and the Appellate Authority is hereby directed to dispose of the appeal within the period prescribed under the

Rules and communicate the result to the Applicant. Till then

*status quo be maintained i.e. impugned order shall not be implemented.*  
Send copy of this order along with OA to the

Respondents if ~~the~~ applicant deposits the postal requisite and copy of this order be also made available to the Learned Counsel for both sides.

*[Signature]*  
Member (Admn.)