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O.A. No. 48/10

**ORDER DATED 10<sup>th</sup> FEBRUARY, 2010**

**Coram:**

**Hon'ble Mr. C.R. Mohapatra, Member(A)**

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Heard Mr. Achintya Das, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel appearing on notice for the Respondents (Railways).

2. The Applicant has been removed from service with effect from 25.05.09 on the charge of unauthorized absence for the period from 18.03.05 to 10.08.05 which has been established by the Respondents. Against this order the applicant has filed an appeal with Respondent No.4 on 04.06.09. Since the applicant has the right to file appeal under the statute and the Appellate Authority is required to take a decision in the said appeal, at this point of time it will not be appropriate for this Tribunal to interfere in this case. The matter therefore needs to be left to the Appellate Authority to consider the appeal for passing a reasoned order within a specific time frame. Hence as agreed to by the Ld. Counsel for either side, it would be in the fitness of things if the Appellate Authority (Respondent No.4) is directed to decide the appeal and communicate the result thereof to the applicant

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within a period of 45 days from the date of receipt of the copy of this order. Ordered accordingly. With this observation/direction the O.A. is disposed of at the stage of admission itself. No costs.

3. Copy of this order along with copy of the O.A. be made over to Respondent No.4 for compliance.

  
Member (A)

Kalpeswar/C.M.