

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No.313 of 2010

Mustak Ahmed Khan Applicant
-Versus-
Union of India & Ors. Respondents

1. Order dated: the 9th June, 2010


C O R A M:
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER

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Heard Mr. R.B.Mohapatra, Learned Counsel for the Applicant and Mr.S.K.Ojha, Learned Standing Counsel appearing on notice for the Respondents and perused the materials placed on record. In this Original Application filed under section 19 of the A.T. Act, 1985, the Applicant challenges the order of punishment under Annexure-A/11 dated 28.11.2009 with payer to quash the punishment and exonerate the applicant from charges. He has also prayed, as an interim measure, to stay the order of punishment under Annexure-A/11 as the same has not taken effect till date and the appeal preferred by him under Annexure-A/13 is still pending. Though no date has been put in the appeal it has been submitted by Learned Counsel for the Applicant that the appeal was submitted by the Applicant on 04.02.2010. It is seen that the applicant has approached this Tribunal challenging the order of punishment imposed on him in a disciplinary proceedings prior to the expiry of statutory period of six months as provided in the A.T. Act, 1985 is over. But Learned Counsel for the Applicant submitted that as per the Railway Board's instruction the appeal ought to have been disposed of within a period of thirty days and that though the applicant prayed for stay of the order of punishment pending decision on his appeal, no order has been passed by the Respondents till date. Hence, finding no other way he has approached this Tribunal. Considering the submission and suggestion made by Learned

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Counsel for both sides and keeping in mind the Railway Board's instruction providing disposal of the appeal within a period of thirty day which has not been adhered to in the instant case, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent No.2 to take a final decision on the appeal of the applicant under Annexure-A/13 and communicate the result thereof in a reasoned order within a period of thirty days from the date of receipt of this order. Until then, the order of punishment under Annexure-A/1, if not already implemented, shall not be implemented.

Send copies of this order along with OA to the Respondent No.2.


(C.R. Mohapatra)
Member(Admn)