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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

O.A.376 OF 2010

Cuttack this the 28th day of July, 2010

CORAM:

THE HON'BLE SHRI C.R. MOHAPATRA, ADMINISTRATIVE MEMBER

ORDER

Heard Shri B. Mishra, learned counsel for the applicant and Shri S.K. Ojha, learned Standing Counsel appearing for the Respondents on notice.

Perusal of the records shows that vide Annexure-A/11, the Senior Divisional Mechanical Engineer, East Coast Railways, in the capacity of Appellate Authority, has passed an order dated 6.8.2009 upholding the punishment imposed by the Disciplinary Authority. However, while doing so, he had given liberty to the applicant to file appeal against his decision within 45 days of the receipt of the order dated 6.8.2009 before the ADRM/KUR. Shri Mishra, learned counsel for the applicant has produced an appeal memo dated 6.9.2009 against the punishment notice dated 20/27.10.2008. But this memo is of no help to the applicant as no appeal as suggested at Annexure-A/11 order dated 6.8.2009 has been filed so far. Hence Shri Mishra submits that he will file a fresh appeal pursuant to the order dated 6.8.2009 within 15 days from to-day and if such an appeal is filed, the appropriate authority shall consider the same and pass a reasoned and speaking order and communicate the same to the applicant within 45 days from the date of receipt of such appeal, without considering the technicality of time as stipulated vide Annexure-A/11. Without expressing any opinion on the merit of the case, it is so ordered.

The O.A. is disposed of at the stage of admission itself. No costs.

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Since A.D.R.M./KUR has not been made as party-Respondent, the applicant is permitted to implead ADRM/KUR as Respondent No.4, wherafter a copy of this order along with copy of the O.A. be sent to him for compliance. Copies of the order be also made available to the learned counsel for the parties.


ADMINISTRATIVE MEMBER

