

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

Date of order : 21.4.1998

O.A. No. 374/97

Hanwant Singh son of Shri Ajai Singh aged about 33 years, resident of village and post Bisalpur, District Pali, last employed on the post of Artisan Khalasi in the office of Diesel Foreman (Sr. Section Engineer-DL), Abu Road, Western Railway.

... Applicant.

versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Mechanical Engineer (Diesel), Western Railway, Abu Road.
3. Assistant Engineer (Diesel), Western Railway, Abu Road.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. R.K. Soni, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Krishna)

Applicant, Hanwant Singh, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the impugned order dated 21.11.1996 (Annexure A/1) by which the penalty of removal from service was imposed upon him.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. Applicant's case is that while he was serving as an Artisan Khalasi in the Diesel Shed, Abu Road, he was served with a charge-sheet for remaining unauthorisedly absent from 9.10.1995 to 17.1.1996. An enquiry was conducted. A copy of the enquiry report was furnished to the applicant. The Disciplianry Authority after ~~considering~~ considering the enquiry report and the findings of the enquiry

officer imposed the penalty of removal from service on the applicant. Applicant thereafter, preferred an appeal to the Appellate Authority on various grounds, as stated in the appeal at Annexure A/6 dated 10.12.1996. The aforesaid appeal, as stated by the learned counsel for the applicant, has not been disposed of by the Appellate Authority so far.

4. In the circumstances, we direct the respondent No. 2 to decide the applicant's appeal at Annexure A/6 dated 10.12.1996 as per rules within a period of four months from the date of receipt of a copy of this order. If the applicant is aggrieved by the decision on appeal, he may file a fresh O.A.

5. The O.A. is disposed of accordingly with no order as to costs.

Gopal Singh
(GOPAL SINGH)

Adm. Member

Gopal Krishna
(GOPAL KRISHNA)
Vice Chairman

cvr.

28/11/92
18/12/92
L.M.S.A.

~~Received~~
~~One copy~~
29/12/98

Part II and III destroyed
in my presence on 20-4-2004
under the supervision of
Section Officer (j) as per
order dated 22/12/2003

✓
Section Officer (Record)