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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.90/2011

Date of decision: 08.08.2012

**HON'BLE Mr. G. SHANTHAPPA, JUDICIAL MEMBER,
HON'BLE Mr. B.K.SINHA ADMINISTRATIVE MEMBER.**

Indra Pal S/o Shri Jangali, aged about 56 years, R/o 5/159 Mukta Prasad Nagar, Bikaner, at present employed on the post of CMS-I, in the office of Railway Workshop, North West Railway, Bikaner.

: Applicant
Mr. J.K.Mishra, counsel for applicant.

Versus

1. Union of India through General Manager, North-Western Railway, Hqrs. Jaipur Zone, Chainpura, Jagatpura, Jaipur, Rajasthan.
2. Chief Workshop Engineer, North-Western Railway, Hqrs. Jaipur Zone, Chainpura, Jagatpura, Jaipur.
3. SDGM/Chief Vigilance officer, First Floor, North Western Railway Headquarter, Nr. Jawahar Circle, Malviya Nagar, Jaipur.
4. Chief Workshop Manager, North Western Railway, Bikaner Workshop, Bikaner.

: Respondents.

Mr. Manoj Bhandari, counsel for respondents.

O R D E R

Per G. Shanthappa, Judicial Member

We have heard the learned counsel for the respective parties.

2. The above application is filed under Section 19 of the Administrative Tribunals Act, 1985 for challenging the legality and propriety of the order dated 18.11.2009 (Annexure-A/1).





3. Being aggrieved by the said order, the applicant preferred a statutory appeal to the Chief Workshop Manager, North Western Railway, Workshop, Bikaner vide appeal dated 30.04.2010 (Annexure-A/11). When the said appeal was pending for consideration, the applicant approached the Tribunal challenging the impugned order dated 18.11.2009.

4. We have carefully considered the grounds of appeal, the applicant has mentioned some factual things, and facts are to be decided based on records. The respondents in the reply statement, have denied certain facts mentioned in the OA. Those disputed facts are to be decided by the Appellate Authority. The learned counsel for the applicant submits a direction be given to the Appellate Authority to decide the appeal in accordance with Rules within time frame.

5. Learned counsel fro the respondents submits that if a direction is given to the Appellate Authority, he will decide the appeal by passing a reasoned and considered order in accordance with Rules and the applicant will be heard by the Appellate Authority as he has requested in the appeal.

6. We are not gone into the merits of the case.

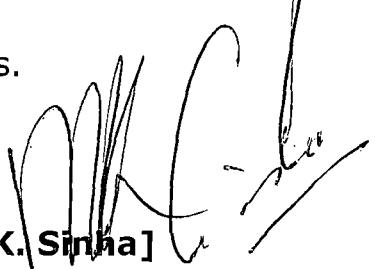
7. Considering the submissions made from either side, we are not inclined to sit in the place of the Appellate Authority, accordingly we direct the Appellate Authority to decide the appeal dated 30.04.2010 (Annexure-A/11) by considering facts of the case



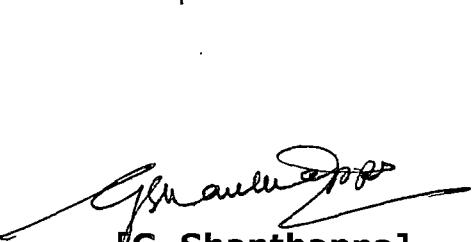
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and pass a reasoned and considered order by exercising the powers vested in him, by a speaking and reasoned order. While deciding the appeal, the appellate authority is directed to give personal hearing to the applicant. The said exercise has to be complied with within a period of 2 months from the date of receipt of copy of this order.

8. With the above observations, the OA is disposed of. No order as to costs.



**[B.K. Sinha]
Administrative Member**



**[G. Shanthappa]
Judicial Member**

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