

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.543/05

Friday this the 2nd day of September 2005

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKAN, JUDICIAL MEMBER**

M.Ilangovan,
S/o.S.Mayilsamy,
JE/I/P.Way/Southern Railway,
Magudanchavady, Salem District.
Residing at Railway Quarters No.17-A,
Magudanchavady, Salem District.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by the General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 3.

2. The Divisional Engineer,
Southern Railway, Tiruchirappalli Division,
Tiruchirappalli.

3. The Divisional Railway Manager,
Southern Railway, Tiruchirappalli Division,
Tiruchirappalli.

4. The Chief Safety Officer,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 3.

5. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 2nd September 2005 the
Tribunal on the same day delivered the following :

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant who is presently working as a Junior Engineer Grade I in the Palghat Division of the Southern Railway is aggrieved by the penalty of reduction in rank imposed by the 2nd respondent by Annexure A-15. The applicant has filed an appeal on 20.6.2003 before the 3rd respondent which is still pending disposal. M.A.676/05 has been filed by the applicant praying for condonation of delay of 226 days.

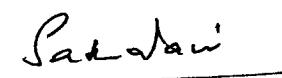
2. The respondents have filed an objection stating that the applicant has not exhausted the departmental remedies as the appeal dated 20.6.2003 is yet to be disposed of by the Appellate Authority and as also further remedy of revision petition.
3. When the matter came up for hearing counsel for the applicant submitted that even though penalty advise was issued in 2003 the penalty was implemented with effect from 2004 only and he was under the bonafide impression that his appeal petition would be considered favourably.
4. In the light of the above facts and circumstances we are of the view that the technical delay by the applicant in filing the O.A. may be condoned and ends of justice be met by directing the Appellate Authority to dispose of the appeal petition by fixing a time frame. In any case there is an

.3.

inordinate delay of two years in disposing of the appeal which has to be condemned. We direct the 3rd respondent accordingly to dispose of the appeal within a period of two months from the date of receipt of a copy of this order. O.A is disposed of with the above directions.

(Dated the 2nd day of September 2005)


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

asp