

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.143/2007
This the 28th day of July 2008

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.
HON'BLE DR. A.K. MISHRA, MEMBER ADMINISTRATIVE.

Vijaya Nand, aged about 38 years, son of Sri Ganga Prasad,
Resident of Teji Khara, House No.548/90, Lucknow.

...Applicant.

By Advocate: Shri R.J. Trivedi.

Versus.

1. Union of India through General Manager, Baroda House,
Northern Railway, New Delhi.
2. Chief Matron, Indore Hospital, N.R., Charbagh, Lucknow.
3. Chief Medical Superintendent, Northern Railway Hospital,
Charbagh, Lucknow.
4. Divisional Railway Manager, Northern Railway, Hazratganj,
Lucknow.

... Respondents.

By Advocate: Shri S.M.S. Saxena.

ORDER (Oral)

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

Heard both the parties.

2. The applicant has filed this O.A. to quash the impugned suspension order covered under Annexure-A-1 Dt. 26.07.2006 on the ground that he was released on Bail subsequently.
3. The respondents have filed objections stating that the applicant has not availed the statutory remedy of appeal as provided under rule 18 (1) of the Railway Servants (Discipline & Appeal) Rules, 1968.

4. At this stage, learned counsel for applicant submits that he made representation covered under (Annexure-3) Dt. 27.09.2006 and also Annexure-A-4 Dt. 18.10.2006, which are still pending for consideration. He also sought disposal of his pending representations with reasoned orders. When the representations of the applicant are still pending, issuing any direction to the respondent authorities, allowing the claim of the applicant at this stage is not at all justified.

5. In view of the above circumstances OA is disposed of with a direction to the respondent i.e. Appellate Authority to dispose of the pending representations of the applicant covered under Annexure-A-3 Dt.27.09.2006 and Annexure-A-4 Dt. 18.10.2006 by treating them as appeal and pass a reasoned order as per rules within a period of two months from the date of the receipt of the certified copy of this order. The applicant is also directed to enclose the copy of his representations covered under Annexure-A-3 and Annexure-A-4 along with the copy of this order to the Appellate Authority. The applicant is at liberty to approach the Tribunal, if he is aggrieved with such orders of the Appellate Authority. No order as to costs.

A. K. Mishra
(Dr. A.K. MISHRA)
MEMBER (A)

M. Kanthaiah
(M. KANTHAIAH)
MEMBER (J)

28.07.08

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