

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No: 136 /2010

This, the 7<sup>th</sup> day of April, 2010

Hon'ble Mr. M. Kanthaia, Member (J)  
Hon'ble Dr. A. K. Mishra, Member (A)

Harish Chandra, aged about 45 years, son of Late Asharfi Lal, resident of House No. 11, Pandaribagh, Charbag, Lucknow, at present serving as a Gangman, Northern Railway, Charbagh, Lucknow.

Applicant.

By Advocate Sri Amit Bose.

Versus

1. Union of India, through the Secretary, Ministry of Railways, Government of India, New Delhi.
2. The Assistant Divisional Engineer (I), Northern Railway, Lucknow.
3. Sri R. K. Tripathi, at present serving as Senior Section Engineer (Instructor), Divisional Pathway Training Center Northern Railway, Lucknow.

Respondents.

By Advocate Sri B.B. Tripathi for Sri V.K. Srivastava.

Order (Oral)

**By Hon'ble Mr. M. Kanthaiah, Member (J)**

Heard counsel for the parties.

The applicant has filed O.A. for quashing the impugned order dated 4<sup>th</sup> August 2009 issued by respondent No. 2 with punishment of removal from service of the applicant. It is also the case of the applicant that he preferred an appeal before the appellate authority and the same is still pending. When the appeal dated 8.9.2009 is still pending and without exhausting the statutory appeal, entertaining the O.A. at this stage is not at all justified. As such, O.A. is disposed of with a direction to the appellate authority to decide the pending appeal of the applicant dated 8.9.2009 within a period of 2 months from the date of supply of copy of this order. No costs.

(Dr. A. K. Mishra)  
Member (A)

(M. Kanthaiah)  
Member (J)

07-04-10

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