

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Original Application No.424/2003.

this the day of 08.09.2003.

HON'BLE MR. S.K. AGRAWAL, MEMBER (A).

HON'BLE SMT.MEERA CHHIBBER, MEMBER (J).  
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Babu aged about 44 years son of Sri Rahim Bux,  
C/o Chunan, R/o Village Lamarteen Ka Purwa,  
Near Lamarteen College, Lucknow.

... Applicant.

By Advocate:-Sri Ratnesh Lal.

Versus.

Union of India through the General,  
Manager , Northern Railway, Baroda House,  
New Delhi.

2. Divisional Railway Manager,  
Northern Railway, Hazratganj, Lucknow.

3. Chief Medicial Officer,  
Northern Railway Hospital, Kariyappa Marg,  
Lucknow.

4. Divisional Medicial Officer,  
Northern Railway, Hospital, Kariyappa Marg,  
Lucknow.

... Respondents.

By Advocate:-Sri N.K.Agrawal.

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O R D E R ( O R A L )

BY MR. S.K. AGRAWAL, MEMBER (A).  
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The applicant has filed this O.A. with the prayer to issue an order or direction quashing the impugned order of dismissal dated 05.03.2002 and further to reinstate the applicant in service ignoring the impugned order of dismissal by treating the applicant in continuous service with all consequential benefits and further to issue a direction to the respondents to disposed of the appeal filed by the applicant dated 05.03.2002 (Annexure-IX).

2. The facts of the case are that the applicant was initially engaged on the post of casual Safaiwala some time in the year 1979. However, applicant was regularised on the post of Safaiwala on 03.01.1983 and was posted under the Chief Health Inspector, Alambagh, Lucknow. The Learned Counsel for applicant has submitted that by order dated 16.09.1996 (Annexure-2) the applicant was transferred from the Chief Health Inspector, Alambagh, Lucknow to the Divisional Railway Hospital, Charbagh, Lucknow. When he was working at Divisional Railway Hospital, Charbagh, Lucknow a charge-sheet dated 29.12.2000 (Annexure-3) was issued to the applicant that

he <sup>was</sup> ~~had~~ un-authorisedly occupying the Railway Quarter No.L-60-'C', Fateh Ali Ka Talab, Charbagh, Lucknow and <sup>a charge</sup> ~~only~~ misconduct was leveled against the applicant that the applicant <sup>has</sup> ~~is~~ un-authorisedly occupied a Railway Quarter.

3. The applicant has submitted in his O.A. that he also made request for supply of documents annexed as Annexure's of the charge-sheet. The documents as contained in as Annexure's of the charge-sheet were alleged letters dated 22.08.1998, 05.10.1998, 24.10.1998, 07.12.1998, 15.01.1999 and 08.07.1999 but the same were not supplied by the respondents. It is further submitted by the applicant that he has never been asked to vacate the premises prior to the charge-sheet which has been issued without any inquiry in the case.

4. It is the case of the applicant, <sup>that</sup> ~~if~~ he was un-authorised occupent of the Quarter No.L-60-'C', Fateh Ali Ka Talab, Charbagh, Lucknow even then proper course for evicting the applicant from the premises was to proceed under the provisions of Public Premises (Un-Authorised Occupant of Eviction) Act, 1971 and as such disciplinary proceedings initiated against the applicant itself vitiates under the Law.

5. The applicant has further submitted that he filed an Appeal before the respondent authority on 05.03.2002 which is still pending for disposal. He has further stated that he has vacated the Quarter No.L-60-'C', Fateh Ali Ka Talab, Charbagh, Lucknow on December, 2002. The applicant counsel therefore prayed that the respondents may be directed to dispose of the Appeal filed by the applicant on 05.03.2002 which is still pending for disposal.

6. We have heard counsel for the parties and the arguments put-forth by both the sides. In the interest of justice, we are of the view that this O.A. may be disposed of at admission stage by giving a direction to the respondent authority to decide the appeal filed by the applicant dated 05.03.2002 (Annexure-IX) within a period of three months from the date of receipt of the copy of this order by passing a well reasoned and speaking order in accordance with Law. Since the applicant has not mentioned this fact in his appeal that he has vacated the railway quarter in December, 2002, he is given liberty to file additional facts <sup>to the applicant authority</sup> within two weeks from the date of this order and the period of three months will start from the date of submission of the additional facts by the applicant.

7. With the above <sup>directions</sup>~~remarks~~ the Original Application  
is disposed of with out any order as to costs.



MEMBER (J)



MEMBER (A).

Dated:-08.09.2003.  
Lucknow.  
Amit/-