

Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.86/2008

This the 25th day of November, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)
Hon'ble Dr. A.K. Mishra, Member-A

Yogendra Nath Tewari, aged about 44 years, S/o Late Sri R.B. Tewari, Posted as A.C. Khalasi Under Senior Section Engineer, ACC/CB/Northern Railway, Lucknow.

.....Applicant

By Advocate: Shri A.K. Upadhyay.

Versus.

1. Union of India, through General Manager, Northern Railway, New Delhi.
2. Divisional Railway Manager, North, Railway Division, Lucknow.
3. Divisional Electric Engineer, Northern Railway, Lucknow.
4. Assistant Electric Engineer, Northern Railway, Lucknow.

.....Respondents

By Advocate: Shri S.P. Singh for Shri M.K. Singh.

ORDER (Oral)

By Hon'ble Ms. Sadhna Srivastava, Member (J)

Since the pleadings are complete, on the request of counsel for both the parties the OA has been taken up for final disposal.

2. The applicant is aggrieved with the order dated 09.02.2005, whereby his pay was reduced ^{from} _{to} Rs. 3140 in the pay scale of Rs.2550-3200 with cumulative effect for one year. The aforesaid punishment has been passed after detailed enquiry held under Rule-9 of Railway Servants (Discipline & Appeal)



Rules, 1968. Aggrieved by the aforesaid punishment order he filed an appeal on 25.10.2005 along with an application for condonation of delay, which was received by the Appellate authority on 18.01.2006. Since the appeal has not been decided by the respondents hence, instant OA has been filed.

3. The counsel for respondents raised preliminary objection that the applicant's departmental appeal as well as OA are barred by time and are liable to be dismissed.

4. After hearing counsel for the parties, we are of the opinion that since the appeal is still pending therefore, the Appellate authority i.e. Divisional Electric Engineer, Northern Railway, Lucknow (Respondent No.3) be directed to decide the appeal by passing a reasoned and speaking order in accordance with rules without going into the limitation. The above exercise shall be completed within a period of three months from the date of receipt of the copy of certified copy of this order. The OA is disposed of without expressing any opinion on the merit of the case. However, liberty is given to the applicant to file copy of appeal dated 25.10.2009 along with copy of this order before the Appellate authority. No order as to costs.



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



(Ms. Sadhna Srivastava)
Member (J)