

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.143/2009

This the 31st day of March 2009.

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

HON'BLE DR. A.K. MISHRA, MEMBER (A)

Himnalini Sinha, aged about 59 years W/o Brijesh Kumar Sinha, Resident of 359/Katra Khudayaar Khan, Saddat Ganj, Lucknow.

.....Applicant.

By Advocate: Shri Praveen Kumar.

Shri Ramesh Kumar Srivastava.

Versus.

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Works Manager, Northern Railway, Loco Workshop, Charbagh, Lucknow.
3. Deputy Chief Mechanical Engineer (Diesel), Northern Railway, Loco Workshop, Charbagh, Lucknow.


.....Respondents.

By Advocate: Sri B.B. Tripathi for Shri N.K. Agrawal.

ORDER (Oral)

BY MR. M. KANTHAIAH, MEMBER (J)

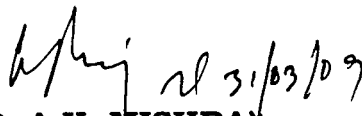
Heard both sides.

2. The applicant has filed this OA with a prayer to quash the impugned order dt. 04.03.2009 (Ann.-A-1) passed by the Respondent No.3 with consequential benefits.
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3. It is the case of the applicant that Respondent No.3 is taking steps for implementing the punishment even without ~~availing~~ ^{finalization} of his appeal and as such, he filed this OA challenging the impugned order dt.04.03.2009.

4. Counsel for respondents raised objection against the same, stating that the applicant, has not availed the statutory remedy of appeal and filed OA.

5. In view of the above circumstances, OA is disposed of with an observation that in case the applicant prefers an appeal against the impugned order dt.04.03.2009 within the stipulated time, the appellate authority is directed to consider and dispose of the same within a period of two months from the date of supply a copy of this order, with a reasoned order as per rules. Till then the minor penalty to recovery imposed upon the applicant shall be kept in abeyance. No costs.


(DR. A.K. MISHRA)
MEMBER (A)


(M. KANTHAIAH)
MEMBER (J)

31.03.09

amit/-