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CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.160 of 2006

Date of order : 7th March, 2006

CORAM

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Kedar Prasad Applicant

Vrs.

Union of India & Ors. Respondents.

Counsel for the applicant : Shri Anil Kumar

Counsel for the respondents : Shri A.A.Khan, Id. SC

ORDER [ORAL]

Justice P.K.Sinha, VC :-

The applicant while in the service under the respondents was involved in a criminal case and admittedly he was convicted by the Trial Court whereafter he preferred an appeal before the Hon'ble High Court which was admitted for hearing and the applicant was ordered to be released on bail.

Thereafter, he faced departmental proceeding in which, vice Annexure-A/7,



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order of dismissal on the aforesaid ground was recorded by Shri U.P.Saha, Divisional Mechanical Engineer [C&W], Dhanbad as Disciplinary Authority. Besides this, the claim of the applicant is that, thereafter, he preferred an appeal at Annexure-A/8 which is still pending. However, on perusal of Annexure-A/8, it appears that the appeal was addressed to the Divisional Mechanical Engineer [C&W], E.C. Railway, Dhanbad against the order of removal from service. Obviously, this application was filed before the Disciplinary Authority though this was an appeal against the order recorded by him. Verbally, the learned counsel for the applicant submits that the copy of the appeal was transmitted to other officials also.

2. It also appears that a few days were still left to complete six months period to allow the Appellate Authority to record an order against the dismissal order dated 12.9.2005, as this application was filed on 16.2.2006.


3. If this appeal has been filed within a statutory period, and is still lying with the Divisional Mechanical Engineer [C&W], Dhanbad, he is directed to refer the memo of appeal to the Appellate Authority for a decision. The appellate authority is directed to dispose of the appeal within two months of the receipt of a copy of the same as well a copy of this order. The applicant is also directed to provide to the Divisional Mechanical Engineer [C&W], Dhanbad a copy of this order along with a copy of the application [with



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annexures] within fifteen days of the receipt of a certified copy of this order.

4. With the aforesaid direction, this application stands disposed of.



[P.K. Sinha]
Vice-Chairman

mps.