

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT Sittings AT NAGPUR.

~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

O.A. No. 807 198 7
~~XXXXXXXX~~

DATE OF DECISION 21.6.1988

Shri John Francis Petitioner

Shri M.M. Sudame Advocate for the Petitioner(s)

Versus

1. Divisional Personal Officers
South Eastern Railway

2. ~~Divisional Rly., Manager~~
3. Chief Personnel Officer

Respondent

Shri P.N. Chandurkar Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman

The Hon'ble Mr. P. Srinivasan, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(1)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTINGS AT NAGPUR, NAGPUR.

Original Application No. 907/87.

Shri John Francis,
C/o. Mr. Vijay Barse, Saint
Ursula Girls School Compound,
Civil Lines - 440 001.

... Applicant

V/s.

1. V.S. Bhivgade,
Divisional Personnel Officers,
South Eastern Railway,
2. Divisional Railway Manager,
South Eastern Railway.
3. Chief Personnel Officer,
South Eastern Railway.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C. Gadgil,
Hon'ble Member(A) Shri P. Srinivasan.

Oral Judgment:

(Per Shri B.C. Gadgil, Vice-Chairman)

Dt. 21.6.1988

This matter was listed for today for fixing the date of final hearing. We however, find that the matter can be disposed of today itself.

2. The services of the applicant were terminated by an order dt. 23.11.1987 giving one month's notice. The applicant has challenged the said order of termination on various grounds. We have earlier granted stay of the said order.

3. The applicant has preferred an appeal before the Divisional Railway Manager, South Eastern Railway, Nagpur against the order terminating his services and that appeal is pending. In our opinion it is necessary that the appellate authority decides the said appeal before the matter is considered by us. The appellant can file a fresh application to this Tribunal, if necessary, if the decision in the appeal goes against him. However, we also feel that the stay

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already granted by us should be continued as detailed below:

Hence we pass the following order:

1. The application is disposed of with a direction to the Appellate Authority viz. Divisional Railway Manager, to decide on the appeal preferred by the applicant. It is further directed that the stay against the termination of the applicant's service will continue to be operative till the said appeal is decided and, if the appeal is decided against the applicant for a further period of 15 ~~xxx~~ days thereafter. Parties to bear their own costs.

B.C. Gadgil
(B.C. GADGIL)
VICE- CHAIRMAN

P. Srinivasan
(P. SRINIVASAN)
MEMBER (A).