

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA 635/2005

Dated 2.8.2007

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member [Judicial]
Hon'ble Mr. S.N.P.N. Sinha, Member [Admn.]

Upendra Prasad

vs.

Union of India & Ors.

Shri R.P. Birnbey, ld. counsel for the applicant
Shri M.N. Parbat, ld. counsel for the respondents.

O R D E R [O R A L]

Sadhna Srivastava, Member [Judicial] :-

By this application the applicant has challenged the charge-sheet dated 31.1.2005 14.2.2005 [Annexure-A/5 series] and the modified charge-sheet dated 27.6.2005 [Annexure-A/1]. Further he has prayed to quash the suspension order dated 2.6.2005 [Annexure-A/12].

2. The facts in brief are that the applicant while working as Senior Section Engineer [Signal] in the pay scale of Rs.7450-11500 was served with a charge-sheet for major penalty under Rule 9 of Railway Servants [Discipline and Appeal] Rules, 1968.

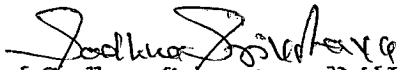
3. The ld. counsel for the respondents states that the departmental proceeding has already been finalized and ^{is awarded} punishment of reduction to

4 in the pay scale of B
lower grade of Section Engineer (Rs.6500-10500) and his pay has been fixed at Rs.9,100/- without postponing the future increment. The punishment order dated 14.11.2005 is annexed as Annexure-A/14 filed along with M.A. 191 of 2007. Aggrieved by the aforesaid order, the applicant has filed appeal dated 31.1.2006 as contained in Annexure-A/15 with the M.A. The ld. counsel for the applicant states that he has filed the aforesaid appeal within 45 days of the receipt of the punishment order which has not yet been decided by the respondents. The counsel for the respondents submits that, therefore, this O.A. is premature & liable to be dismissed.

4. In our opinion, the O.A. can be disposed of by giving directions to the Appellate Authority to decide the appeal dated 31.1.2006 [Annexure-A/15] by reasoned and speaking order within a period of two months of the receipt of a copy of this order, and if required, a personal hearing may be given to the applicant.

5. With the aforesaid directions, this O.A. 635 of 2005 stands disposed of. The applicant will be at liberty to approach the Tribunal in accordance with if need arises for the same after the decision of the appeal.


[S.N.P.N. Sinha]M[A]


[Sadhna Srivastava]M[J]

mps.