

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 533/99.

Date of Decision: 9/8/99

Dr. N. K. Chaudhary

Applicant.

Shri G. S. Walia

Advocate for  
Applicant.

Versus

Union of India & Anr.

Respondent(s)

Shri V. S. Masurkar

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri. B.N. Bhaadur, Member(A).

(1) To be referred to the Reporter or not? ~~~~~

(2) Whether it needs to be circulated to  
other Benches of the Tribunal? ~~~~~

  
(R.G. VAIDYANATHA)  
VICE CHAIRMAN

abp.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO:533/99.

DATED THE 9TH DAY OF AUGUST, 99.

CORAM:HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN.

HON'BLE SHRI B.N.BAHADUR, MEMBER(A)

Dr.N.K.Chaudhary,  
Working as  
Divisional Medical Officer,  
Western Railway,  
Palghar.

... Applicant.

By Advocate Shri G.S.Walia

v/s.

1. Union of India, through  
Secretary,  
Railway Board,  
Rail Bhawan,  
New Delhi-110 001.

2. General Manager,  
Western Railway,  
Head Quarters Office,  
Churchgate,  
Mumbai - 400 020.

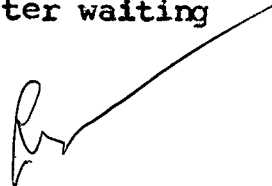
... Respondents.

By Advocate Shri V.S.Masurkar

I ORDER I I ORAL I

I Per Shri R.G.Vaidyanatha, Vice Chairman I

This is an application filed by the applicant challenging the order of Disciplinary Authority dated 23/9/98 and for other consequential reliefs. Shri V.S.Masurkar appears for respondents and says that the application is premature since the appeal is pending before the Competent Authority. Applicant's counsel submits that the matter has been delayed since many years and therefore he has approached this Tribunal after waiting for some time after filing appeal.



2. After hearing both sides, we find that the Appellate Authority should consider the applicant's appeal and pass appropriate orders according to law. The applicant's appeal is dated 4/11/98. Till today the appeal has not been disposed of. Once we admit the application, the appeal <sup>can</sup> will not be disposed of till after the disposal of OA. Therefore, we do not want that the appeal should ~~lie~~ pending for long., and therefore we are disposing of the application at the Admission Stage with the following directions.

3. The OA is being disposed of with a direction to the Appellate Authority to dispose of the applicant's appeal dated 4/11/98 within a period of three months from the date of receipt of copy of this order.

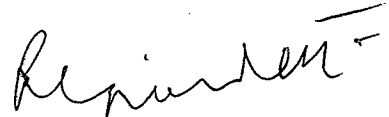
4. Registry is directed to immediately communicate a copy of this order to Appellate Authority for taking action on the appeal of the Applicant. Needless to say, if any adverse order is passed, the applicant can challenge the same according to law.

All contentions on merits are left open.

5. In the result, the OA is disposed of at Admission stage. There will be no orders as to costs.



(B.N. BAHADUR)  
MEMBER (A)



(R.G. VAIDYANATHA)  
VICE CHAIRMAN

abp.