

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 340 of 2001.

Dated this Monday, the 11th day of June, 2001.

CORAM : Hon'ble Shri Justice B. Dikshit, Vice-Chairman.

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

Irshad Ahmed Siddique,
S/o. Safeek Ahmed Siddique,
Village & Post : Mahgaon (Purabthok)
Dist. Allahabad, State : Uttar Pradesh,
Pin : 212 213.

...

Applicant

(By Advocate Ms. Rupa Naik)

VERSUS

1. Union of India through
Western Railway,
Churchgate,
Mumbai.

2. Divisional Electrical Engineer,
DEE (REW), SL,
Western Railway,
Mumbai Central.

...

Respondents.

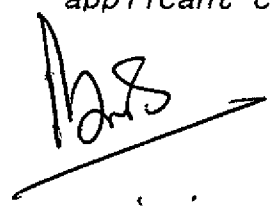
(By Advocate - None)

OPEN COURT ORDER

PER : Shri B. N. Bahadur, Member (A).

This is an application made by Shri Irshad Ahmed Siddique, seeking the relief from this Tribunal against the impugned order dated 18.09.2000, through which order the penalty of removal from service has been imposed upon the applicant. The applicant challenges this order and seeks a direction from this

... 2



Tribunal to the Respondents to reinstate the applicant from 18.09.2000, with consequential benefits as detailed in para 8.

2. It is seen, as indeed brought out in the application by the applicant, that an appeal has been filed by the applicant against the order through which he is aggrieved. Copy of this appeal is at exhibit 'C' (page 18 of the paper book). This appeal is addressed to the CEE (C), Churchgate, and is made under Rule 18 of the Railway Servants (Discipline & Appeal) Rules, 1963.

3. We have heard the Learned Counsel, Ms. Rupa Naik, who also informs us that this appeal has not yet been decided but pleads for admission of the case on the ground that more than six months have elapsed since the filing of this appeal.

4. Although allegations made challenging this order have been brought out in the application, we find that on the facts and circumstances of the case, it would be desirable, that the Appellate Authority first applies his mind to the case made out in appeal, and takes a decision on merits.

5. Accordingly, this O.A. is disposed of at the stage of admission with directions to the Respondents as below :

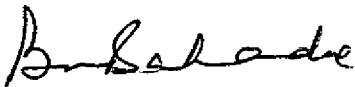
Respondents are directed to dispose of, on merits and in accordance with law, the Appeal said to have been filed by



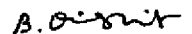
...3

applicant dated 10.10.2000 against the order dated 18.09.2000 imposing penalty of removal from service on the applicant. The decision on the appeal shall be taken within a period not exceeding two months from the date of receipt of a copy of this order. A speaking order shall be made and shall be communicated to the applicant. The applicant will be at liberty to come up to this Tribunal as per law, in case aggrieved and if so advised.

No order as to costs.



(B.N. BAHADUR)
MEMBER (A).



(B. DIKSHIT)
VICE-CHAIRMAN.

OS*