

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 1: MUMBAI

ORIGINAL APPLICATION NO. 623/2001

THIS THE 24TH DAY OF APRIL, 2002

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT. VICE
CHAIRMAN.
HON'BLE SMT. SHANTA SHASTRY. MEMBER (A)

Shri Kamalsingh P. Rawat,
Sub-Bungalow Peon-Staff No.00155007
under Divisional Railway manager,
Central Railway, Mumbai CST.

.. Applicant

By Advocate Shri ~~K.B. Sakre~~ *K.B. Sakre*

Versus

1. The Union of India,
through the General manager,
Central Railway,
Mumbai CST.
 2. The Divisional Railway Manager,
Central Railway, Mumbai CST.
 3. The Dy. C.M.E.(D)/Central
Railway, Parel Workshops,
Parel.
- ... Respondents

By Advocate Shri V.S. Masurkar.

O R D E R (ORAL)
Hon'ble Smt. Shanta Shastry. Member (A)

On an earlier occasion on 14.01. 2002 the Tribunal had recorded as follows: "after hearing the learned counsel on both the sides for some time we find from the written statement of the respondents that the applicant has come up in an appeal vide his application dated 17.9.2001" in the background of the circumstances described in para six of the statement. On considering the fact it is desirable that the competent authority in the Railway apply their mind and decide the appeal,

first. This will be without prejudice to the pendency of the OA.

2. Accordingly the respondents are directed to ensure that the competent authority disposes of the aforesaid appeal on merits and in accordance with rules through a speaking order and communicate it to the applicant. This shall be done within six weeks."

3. The learned counsel for the respondents submits today that the applicant's appeal was decided on 20.12.2001 i.e. even before the order was passed by the Tribunal on 14.01.2002. The applicant was also in the know of this, but he has not brought it on record. The learned counsel for the respondents produces a copy of the appellate order passed on the appeal dated 17.9.2001 of the applicant, after serving a copy of the same on counsel for applicant. The same is taken on record. The appeal has been rejected confirming the termination of the services of the applicant as Bunglow Peon.

4. The applicant has not challenged this appellate order. In the facts and circumstances of the case, the respondents having decided the appeal, the OA deserves to be dismissed and is dismissed without any order as to costs. It shall be open to the applicant to agitate his grievance if any, as per law and rules.

Shanta Shastri

(SMT. SHANTA SHASTRY)
MEMBER (A)

Birendra Dikshit

(BIRENDRA DIKSHIT)
VICE CHAIRMAN