

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A.No, 270/2001

Date: 20.11.2002

Hon'ble Mr. G.C.Srivastava, Member (A)

Hon'ble Mr. M.L. Chauhan, Member (J)

Padam Chand Age about 45 years, son of Shri Gopi Lal Ji, Caste Brahmin, at present Khallasi, Western Railway, in the office of C & W Kota Jn. and Resident of Opposite Murga-Fam, H.No. 472, Dadwara, Kota Jn. Kota (Raj.).

Applicant

(By Advocate: Mr. Rajvir Sharma)

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai - 20.
2. The Divisional Railway Manager, Western Railway, Kota Jn.
3. Senior Divisional Personnel Officer, Western Railway, Kota Jn.

Respondents

(By Advocate: Mr. Tej Prakash Shama)

O R D E R (Oral)

Hon'ble Mr. G.C.Srivastava, Member (A)

Heard Mr. Rajvir Sharma, learned counsel for the applicant and Mr. Tej Prakash Shama, learned counsel for the respondents.

2. In this OA the applicant, who was working as Khalasi under the respondents, has challenged the order dated 21.3.2001 (Annexure A-1) and has sought a direction to the respondents not to make any recovery from the salary of the applicant in pursuance to the said order. Mr. Rajvir Shama submits that the applicant was imposed a penalty of withholding of increments vide order dated 21.2.2001 (Annexure A-7) and he had filed an appeal against the said

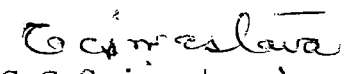
order vide his appeal dated 14.5.2001 (Annexure A-8). According to him, the appeal has not been decided and the applicant would be satisfied if a direction is issued to the respondents to consider the appeal and pass an appropriate order within a specified time frame pending which the recovery should be stayed.

3. Mr. Tej Prakash Sharma, learned counsel for the respondents submits that OA has become infructuous as the subsequent order passed by the respondents dated 6.6.2001 has not been challenged in the OA. Mr. Sharma for the applicant however says that since the appeal of the applicant is pending with the respondents, it is necessary that the respondents should pass an order on the appeal.

4. Under the circumstances, we are of the considered view that the OA can be disposed of with a direction to the respondents to decide the appeal. Accordingly we direct that the competent authority of the respondents shall consider the appeal filed by the applicant on 14.3.2001 and decide the same by a speaking order within a period of three months from the date of receipt of a copy of this order. The decision so taken shall be communicated to the applicant within a week thereafter. Pending decision on his appeal and communication of the same to the applicant the stay order granted by this Tribunal vide order dated 27.6.2001 shall remain operative. In case the applicant is aggrieved against the final order passed by the competent authority on his appeal, he is given liberty to file a fresh OA.

5. With the above direction, the OA stands disposed of with no order as to costs.


(M.L. Chughan)-
Member (J)


(G.C. Srivastava)
Member (A)

vtc.