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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH
JABALPUR

Original Application No. 849 of 2006

Jabalpur, this the 14th day of December, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Shri M.K. Gupta, Judicial Member

Kamloo, son of Shri Rajau,
Aged about 59 years,
Working as Mate Gang No. 1,
Under the Administrative Control
of SE (P. Way), Pandra Road.

Applicant

(By Advocate – Shri K.N. Pethia)

V E R S U S

1. Union of India, through
its General Manager,
South Eastern Central Railway,
Bilaspur.
2. Divisional Railway Manager,
South Eastern Central Railway,
Bilaspur.
3. Assistant Divisional Manager,
South Eastern Central Railway,
Pandra Road.

Respondents

(By Advocate – Shri M.N. Banerjee)

O R D E R (Oral)

By Dr. G.C. Srivastava, Vice Chairman –

This Original Application has been filed against the order dated 25.9.2006 (Annexure A-3), whereby penalty of stoppage of one increment for a period of 9 months with non-cumulative effect has been imposed on the applicant. Shri Pethia appearing on behalf of the applicant stated that this penalty would affect the pension of the applicant as he is to retire on 31st August, 2007. Accordingly, he has



prayed that the penalty order may not be given effect to until the disposal of the applicant's appeal.



2. We notice that the applicant has submitted an appeal against the penalty order to the Senior Divisional Engineer (Central), Bilaspur. The date of the appeal petition has not been indicated in Annexure A-4 but as per Shri Pethia this was filed on 27.9.2006. The submission of the learned counsel is that this appeal has not yet been decided and if there is delay in deciding the appeal, the applicant will suffer loss in his pension. We have considered the arguments of the learned counsel and we are of the view that since the appeal has been filed on 27.9.2006 and not even three months have passed since then, the OA is premature. However, considering the fact that the applicant is to retire a few months, we are of the view that ends of justice would be met by directing the respondents to decide the appeal within a specified time period. Accordingly we direct the respondents to decide the appeal stated to have been filed on 27.9.2006 (Annexure A-4) within a period of three months from today, by passing a detailed and reasoned order. Be it noted that we have not expressed any opinion on the merits of the case.

3. With this direction the OA is disposed of. Shri M.N. Banerjee, appeared and was heard on behalf of the respondents.


(M.K. Gupta)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....
पत्तिलिपि कावे धित:-
"SA" (1) मणिल, नया ब्यापाराला कार एवेरिस्थान, जबलपुर
(2) आबेक सी/सीजी/कु.....के काउंसल
(3) प्रत्यगी सी/सीजी/कु.....के काउंसल
(4) बंधपाहा, बंधपाहा, जबलपुर न्यायपीठ
सदना एवं आवश्यक कार्याधी हेतु
उप रजिस्ट्रार


K.N. Pethia

M.N. Banerjee
Adv 280.

Filed
21/12/06

22/12/06
उप रजिस्ट्रार