

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER: 04.02.2005

ORIGINAL APPLICATION NO. 32/2005

Smt. Munni Burman wife of Shri Murlidharan aged about 46 years, resident of Surendra Bhawan, in front of Jai Nursing Home Behind Agarwal Dharamshala, Gangapur City District Sawaimadhopur (Rajasthan). Removed from service from the Post of Matron Grade II, Railway Hospital, Gangapur City, District Sawaimadhopur (Rajasthan).

....Applicant

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Chief Medical Director, West Central Railway, Jabalpur.
3. Divisional Railway Manager, West Central Railway, Kota Division, Kota.
4. Chief Medical Superintendent, West Central Railway, Kota Division, Kota.

....Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)
Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

"(i) That entire record relating to the case be called for an after perusing the same punishment order dated 19.10.2004 (Annexure A/1) be quashed and set aside with all consequential benefits or as alternate appellate authority i.e. respondent No. 2 be directed to decide the appeal within stipulated period.

(ii) That the charge Memo dated 5.10.2001 (Annexure A/3) be quashed, as the same is not justified as per facts and circumstances with the inquiry proceedings with all consequential



benefits.


(iii) Any other/directions or relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of the case.


(iv) That the cost of this application may be awarded.

2. The facts of the case are that the applicant while working as Matron Grade II was served with major charge sheet which culminated into order of removal from service. Against this order of removal passed by the Disciplinary Authority, the applicant has preferred an appeal dated 15.11.2004 to the Appellate Authority. The grievance of the applicant is that till date no order has been passed by the Appellate Authority on his appeal.

3. We have heard the learned counsel for the applicant at admission stage. We are of the view that the present OA cannot be entertained at this stage so long as proper order is passed by the Appellate Authority on the appeal filed by the applicant, which is pending for consideration. Accordingly, without going into merit of the case, we are of the view that ends of justice would be met if proper direction is given to the Appellate Authority to decide the appeal of the applicant dated 15.11.2004. Accordingly, Respondent No. 2 is directed to decide the appeal of the applicant by passing a reasoned and speaking order within a period of two months from today and communicate the decision to the applicant within ten days thereafter.

4. With these observation the OA is disposed of. It is made clear that in case the applicant is still aggrieved on account of passing of the order passed by the Appellate Authority, it will open for him to re-agitate the matter in accordance with law.


(A.K. BHANDARI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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