

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd day of July, 2010

ORIGINAL APPLICATION NO. 340 / 2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

Hansraj Meena son of Shri Ramji Lal Meena aged about 29 years, working as Section Engineer (Signal) in pay scale 9300-34800 (GP 4600) under Sr. DSTE (Signal) North Frontier Railway Katihar (Bihar) resident of Plot No. 130, A.K. Golpalan Nagar, Khatipura, Jaipur.

.....Applicant

(By Advocate: Mr. Nand Kishore)

VERSUS

1. Union of India through General manager, North Frontier Railway, Maligaon, Guwahati (Assam).
2. Divisional Railway Manager, North Frontier Railway, Katihar (Bihar).
3. Additional Divisional Railway Manager, North Frontier Railway, Katihar (Bihar).

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying that respondents may be directed to decide his appeal within the stipulated time of 30 days. In this case, statutory appeal has been filed by the applicant on 02.06.2010. This appeal has not been decided by the Additional Divisional Railway Manager, North Frontier Railway Katihar (Bihar) [Respondent no. 3] so far. The grievance of the applicant is that the appeal filed by him should be decided expeditiously so that he can approach before this Tribunal in case any adverse order is passed by the Appellate Authority as he cannot file OA before this Tribunal so

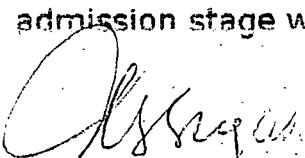
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long statutory remedy is not exhausted by him in terms of the law laid down by the Apex Court in the case of **S.S. Rathore vs. State of M.P.**, AIR 1990 SC 10.

2. We have given due consideration to the submission made by the learned counsel for the applicant which has considerable force. The Constitutional Bench of the Apex Court in the case of **S.S. Rathore vs. State of M.P.**, AIR 1990 SC 10 has observed that ordinarily the period of three to six months should be the outer limit to decide the statutory appeal.

3. In view of the law laid down by the Apex court in the case of **S.S. Rathore** (supra), we are of the view that it will be interest of justice if direction is given to Appellate Authority to decide the appeal of the applicant expeditiously and in any case not latter than three months from today. Accordingly, respondent no. 3 is directed to decide the appeal of the applicant dated 02.06.2010 (Annexure A/1) within the aforesaid period. Needless of add that in case the applicant is aggrieved by the order to be passed by the Appellate Authority, it will be open for him to file substantive OA.

4. With these observations, the OA is disposed of at admission stage with no order as to costs.


(K.S. SUGATHAN)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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