

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.349/2017 with MA No.71/2018

This the 27th day of September, 2018

Shri Rukman
Son of Late Shri Dularam Motwani
Age: 72 years
Ex.PWI Gr.I of the respondents
Residing at Block No.L, 10th Floor
2nd Pent House, Gurukul Road,
Indraprasth Tower, Nr. Driven-in-Cinema
Ahmedabad 380 054. Applicant
(By Advocate : Shri M.S.Trivedi)

VERSUS

1. The Executive Director
Government of India
Ministry of Railways
Railway Board, Rail Bhavan
New Delhi 110 001.
2. The General Manager
Western Railway, Churchgate,
Mumbai 400 020.
3. The Divisional Railway Manager
O/o. DRM, Western Railway
Divisional Office, Kalupur,
Nr. Chumunda Bridge, Asarwa,
Ahmedabad 380 002. Respondents
(By Advocate : Ms.Nisha Parikh)

O R D E R – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

The very foundation of this OA lies in Order dated 28.2.2017 passed by this Tribunal in OA No.728/2016, preferred by applicant. This Tribunal pleased to dispose off said OA No.728/2016 on 28.2.2017 and operative portion of the Order reads as under :

“The respondents are directed to allow the applicant to make a representation in respect of the UPSC’s advice. The applicant is at liberty to submit his representation against the UPSC’s advice within fifteen days from the date of receipt of a copy of this order to the Disciplinary Authority and the same shall be duly considered by the Disciplinary Authority and to pass appropriate orders strictly in accordance with law within a period of three months from the date of receipt of the written representation of the applicant

2. Vide said Order respondents were directed to allow the applicant to make a representation in respect of the UPSC’s advice, liberty was granted to applicant to submit his representation against the UPSC’s advice, the representation of applicant has to be considered by the Disciplinary Authority within a period of three months from the date of receipt of the

written representation of the applicant but factual situation is that the Order passed in OA No.728/2016 has been challenged on the file of Hon'ble High Court and implementation of the Order of the Tribunal has been stayed by Hon'ble High Court.

3. In above factual situation of the matter, it is inquired from the learned counsel as to how in such situation, at present, this OA can proceed and learned counsel submits that this OA may be disposed off with direction to the parties that they should abide by final decision of the Hon'ble High Court.

4. Considered the submissions. This OA stands disposed off with liberty to the applicant that if after final Order of Hon'ble High Court he feels aggrieved by the act of respondents in implementation of or relating to their act pursuant to final Order of Hon'ble High Court, he may agitate the matter afresh before appropriate forum. MA No.71/2018 also stand disposed off.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

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