

**Central Administrative Tribunal
Principal Bench**

OA No.2339/2014

New Delhi this the 4th day of August, 2016

Hon'ble Mr. Justice M.S. Sullar, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)

Shri Sunil Kumar Gupta, Age 36 years,
S/o Shri Surya Bhan Gupta,
Health Inspector,
Northern Railway,
Railway Station,
New Delhi,
R/o 4/3, Railway Colony,
Sewa Nagar,
Delhi-03.

...applicant

(By Advocate : Ms. Meenu Mainee)

Versus

Union of India & Ors. : through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Chief Medical Superintendent,
Divisional Railway Hospital,
Northern Railway,
S.P. Mukherjee Marg,
New Delhi.
3. Sr. Divisional Medical Officer,
Divisional Railway Hospital,
Northern Railway,
S.P. Mukherjee Marg,
New Delhi.

...respondents

(By Advocate : Shri Shailendra Tiwari)

ORDER (ORAL)

Mr. Justice M.S. Sullar, Member (J) :-

The applicant, Sunil Kumar Gupta, has preferred the instant Original Application (OA), challenging the impugned order dated 16.05.2013, being illegal, arbitrary and without jurisdiction, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

2. The respondents have refuted the claim of the applicant and filed the reply stoutly denying all the allegations and grounds contained in OA and prayed for its dismissal.

3. The main grievance of the learned counsel, at this stage, is that although applicant has already filed the statutory appeal but the same has not yet been decided by the Appellate Authority. This factual matrix has been fairly acknowledged by the learned counsel for respondents.

4. Having heard the learned counsel for the parties and having gone through the record with their valuable assistance, the main OA is disposed of with a direction, to the Appellate Authority (respondent No.2), to decide the appeal of the applicant within a period of two months after receipt of a certified copy of order, positively.

5. Needless to mention, in case the applicant still remains aggrieved by the order of the Appellate Authority, he would be at liberty to file a fresh OA, on the same cause of action, challenging the impugned order of Disciplinary Authority as well as order of Appellate Authority, in accordance with law.

(V.N. Gaur)
Member (A)

(Justice M.S. Sullar)
Member (J)

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