

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.724/2017.

Date of Decision: 28.11.2017.

**CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)**

Yogendra Prasad Singh
Working as AXEN/TR-II/HQ
CSTM, Mumbai 400 001.
R/at C-604, Neelkanth Darshan
CHS, Plot No.125/A, Old Panvel
Raigad, Navi Mumbai 410 206.
(Advocate Ms. Priyanka Mehndiratta) ... **Applicant**

Versus

1. The Union of India,
Through the Secretary,
Railway Board, Rail Bhawan,
New Delhi – 110 001.
2. The Union of India,
Through the General Manager,
CSTM, Mumbai 400 001. **Respondents**

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Ms. Priyanka Mehndiratta, learned Advocate for the Applicant. We have carefully perused the case record.

2. The applicant who is presently working as AXEN (Track) at Mankhurd under Respondent No.4 suffered penalty in a disciplinary proceeding instituted against him on

03.06.2016. The penalty imposed was reduction in pay. The Applicant has challenged the said order before the Appellate Authority i.e. the Railway Board, New Delhi on 31.08.2017 vide Appeal memo dated 29.08.2017 (Annexure A-3). In this OA, the following limited reliefs are made;

“8.a) This Hon'ble Tribunal may graciously be pleased to direct the Appellate Authority i.e. Respondent No.3 to decide the pending statutory Appeal dated 31.08.2017 in a fixed period of time of about 6 weeks by passing a speaking order.

8.b) Cost of the application be provided for.

8.c) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed.”

3. However, the Secretary, Railway Board, New Delhi has not been impleaded as party respondent and only Disciplinary Authority is so impleaded. In view of this, on the request made leave is granted to the applicant to implead Secretary, Railway Board, New Delhi as party Respondent No.1. The present Respondent No.1, Union of India, through General Manager, CSTM, Mumbai be re-numbered as Respondent No.2.

4. Considering the fact that a statutory Appeal is still pending, the OA stands disposed of with a direction to Respondent No.1,

Secretary, Railway Board, New Delhi to consider and pass a reasoned and speaking order in accordance with law on the applicant's pending Appeal dated 31.08.2017 within a period of six weeks from the date of receipt of certified copy of this order.

5. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

6. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

7. *DASTI.*

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.