

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 28th Day of May 2019)

Hon'ble Ms. Ajanta Dayalan, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Original Application No.330/00580/2019
(U/S 19, Administrative Tribunal Act, 1985)

Ambrish, aged about 42 years, son of Shri Bhuwaneshwar Ojha, resident of Mundeshwari colony, VT Bypass, Ramnagar, Varanasi.

..... **Applicant**

By Advocate: **Shri Rajesh Kumar**
Sri Pradeep Kumar Mishra

Versus

1. Union of India through General Manager, North Central Railway, Headquarters office, Subedarganj, Allahabad.
2. Divisional Railway Manager, North Central Railway, Nawab Yusuf Road, Allahabad.
3. Senior Divisional Engineer-I, North Central Railway, Nawab Yusuf Road, Allahabad.
4. Assistant Divisional Engineer, North Central Railway, Chunar, Allahabad Division.
5. Senior Section Engineer (P-Way), North Central Railway, Chunar, Allahabad Division.

..... **Respondents**

By Advocate: **Shri Shesh Mani Mishra.**

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member (A)

Counsel for applicant states that he is challenging the disciplinary authority's order dated 7.3.2014 (Annexure No. A-1) vide which the applicant has been imposed penalty of reduction of pay by two levels for two years without effecting the future increments.

2. Counsel for applicant states that applicant has moved an appeal dated 18.4.014 (Annexure A-4), which is yet to be decided by the Appellate Authority. He further states that as per the Railway Servants (Disciplinary & Appeal Rules), 1968 (Annexure A-5), this punishment is major penalty, even though the charge sheet dated 11.2.2014 (Annexure A-6) was issued only for minor penalty.

3. Counsel for respondents pointed out that O.A. is filed beyond the stipulated period of time as provided in the Administrative Tribunals Act, 1985 and no delay condonation application has been filed by the applicant along with the O.A.

4. Counsel for applicant states that he would be satisfied if a direction is issued by the Tribunal to the Appellate Authority to decide the pending appeal of the applicant dated 18.4.2014 within a time bound manner.

5. Considering the limited prayer made by the counsel for applicant and also the fact that appeal is already pending with the Appellate Authority for over five years, we direct the Appellate Authority i.e. respondent No.3, to whom the appeal is addressed, to decide the appeal of the applicant dated 18.4.2014 (Annexure A-4) by passing a reasoned and speaking order within a period of 2 months from the date of receipt of certified copy of this

order. The order so passed be communicated to the applicant.

6. Needless to say that this order should not be construed as any expression or opinion on merits of the case or otherwise.

7. With the above observations, O.A. is disposed off. No order as to costs.

(Rakesh Sagar Jain)
Member (J)

(Ms. Ajanta Dayalan)
Member (A)

HLS/-

