

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 329 of 2018**

This the 5<sup>th</sup> day of February, 2019

**Hon'ble Ms. Jasmine Ahmed, Member-J**  
**Hon'ble Mr. Devendra Chaudhry, Member-A**

Mohd. Hussaibn, aged about 62 years, S/o late Mohd. Yar, R/ 551-K/G-498 Sanjay Gandhi Marg, Lane no.5, Azad Nagar, Alambagh, Lucknow.

Applicant

By Advocate : Sri Satya Narain Verma

Versus.

1. Union of India through the General Manager, Northern Railway, New Delhi.
2. Chief Engineer Track, Baroda House, New Delhi.
3. Deputy Chief Engineer, Thermal Portion Plant, Northern Railway, Charbagh, Lucknow.

Respondents.

By Advocate : Ms. Prayagmati Gupta

**O R D E R (Oral)**

**By Ms. Jasmine Ahmed, Member-J**

Heard the learned counsel for the applicant as well as the learned counsel for the respondents and perused the pleadings available on record.

2. It is seen that the applicant has challenged the order dated 21.12.2016 passed by the respondents whereby punishment of compulsory retirement has been imposed upon the applicant by withholding the amount of Gratuity, Leave Encashment, Commutation of Pension and D.A. on pension. Against the said punishment order, the applicant preferred a detailed appeal to the appellate authority (respondent no.2) on 30.1.2017. When the appeal of the applicant has not been decided within a reasonable period of time, the applicant approached this Tribunal by filing the instant O.A. and vide order dated 30.11.2018 this Tribunal had granted two months additional time to enable the respondents to take a decision on the pending appeal of the applicant. It is also seen that in the main relief, the applicant has prayed for quashing of the order dated 21.12.2016 passed by the

disciplinary authority and in the interim relief a prayer has been made for disposal of his pending appeal. Now, learned counsel for respondents states that pursuant to the aforesaid order of this Tribunal, the respondent no.2 has considered and decided the appeal of the applicant vide order dated 15.1.2019. Learned counsel for the applicant wants to impugn the appellate order separately by filing a fresh O.A. On the basis of statement made by the learned counsel for the applicant, we dispose of this O.A. with liberty to the applicant to file a fresh O.A. challenging the order passed by the appellate authority if so advice. There shall be no order as to costs.

**(Devendra Chaudhry)**  
Member-A

**(Ms. Jasmine Ahmed)**  
Member-J

Girish/-