

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2507/2014

New Delhi, this the 24th day of September, 2019

**Hon'ble Sh. R. N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Smt. Bhuri Devi,
W/o (Legal Representative) of Late Shri Bhagwan Das
Ex. Gangman, North Central Railway, Mathura (U.P.)
R/o Kishori Nagar, Post- Gyatri Tapobhumi,
Mathura (U.P.) ... Applicant

(Through advocate- Mr V K Sharma)

Versus

1. The General Manager,
North Central Railway Headquarters, Subedarganj,
Allahabad (U.P.)
2. The Divisional Rail Manager,
North Central Railway, Divisional Office,
Agra- Cantt. (U.P.)
3. The Senior Divisional Engineer-I,
North Central Railway, Divisional Office,
Agra- Cantt. (U.P.)
4. The Asstt. Divisional Engineer-II,
North Central Railway, Mathura-Jn. ... Respondents

(Through advocate- Mr Shailender Tiwari)

ORDER (ORAL)

Hon'ble Mr. R.N. Singh, Member (J)

Heard Mr V K Sharma, learned counsel for the applicant and Mr Shailender Tiwari, learned counsel for the respondents.

2. The applicant who is w/o (legal representative) of Late Shri Bhagwan Das, Ex Gangman of Northern Central Railway, Mathura, U.P., has filed the present OA under Section 19 of Administrative Tribunal Act, 1985 challenging the order dated 10.05.2013 (Annexure A1) vide which the disciplinary authority has imposed the punishment of termination from service with immediate effect.

3. It is stated by the applicant that aggrieved of the aforesaid impugned disciplinary order dated 10.05.2013 the late employee had preferred a statutory appeal dated 20.05.2013 (Annexure A21). It is evident from the records that the applicant was advised vide letter dated 10.05.2013 that in case he feels aggrieved, he may prefer an appeal within 45 days to the signatory of the impugned order dated 10.05.2013.

4. On perusal of the aforesaid appeal dated 20.05.2013, it appears that the said appeal has not been addressed to the authority, as advised vide the impugned order dated 10.05.2013. The learned counsel for the applicant submits that he is not aware of the fate of such appeal.

5. In response to the notice from this Tribunal the respondents have filed their reply. However even from the reply, it is not evident as to whether the said appeal of the applicant was received by the competent authority or in case the same was received whether the same has been disposed of by the competent authority.

6. In view of the facts and circumstances, the present OA is disposed of with directions to the competent appellate authority under the respondents to consider the aforesaid appeal dated 20.05.2013 (Annexure A1), if the same was received by the respondents and to dispose of the same by passing a reasoned and speaking order within 12 weeks of receipt of a certified copy of this order. We make it clear that we have not expressed any opinion on the merit of the claim by way of the present order.

7. There is no order as to costs.

(Aradhana Johri)

Member(A)

(R. N. Singh)

Member(J)

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