

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00524/2019

Jabalpur, this Wednesday, the 26th day of June, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Vedprakash Pandey,
S/o Late Shri R.B. Pandey
Aged about 59 years,
Ex Track Maintainer 4
R/o Care of S.N.Singh 240/04
Railway Colony Shahdol (M.P.)

- **Applicant**

(By Advocate –Shri Amardeep Gupta)

V e r s u s

1. Union of India, Through its General Manager,
South East Central Railway, Railway Station
Bilaspur (C.G.)-495004

2. Divisional Engineer (North)
Bilaspur Division
South East Central Railway
Railway Station Bilaspur (C.G.) 495004
(Appellate Authority)

3. Assistant Divisional Engineer Shahdol
Bilaspur Division South East Central Railway
Railway Station Bilaspur (C.G.) 495004
(Disciplinary Authority) -R

-Respondents

(By Advocate –Shri A.S. Raizada)

O R D E R (Oral)

This Original Application has been filed by the applicant against the inaction on the part of the appellate authority for not deciding the applicant's appeal within time limit.

2. The case of the applicant is that the applicant was charge sheeted and thereafter the inquiry officer has submitted the inquiry report on 04.09.2017 (Annexure A/2). On the basis of inquiry, the disciplinary authority has passed the impugned order dated 14.05.2018 whereby the applicant has been found unsuitable to perform his duties and the applicant was removed from service on 14.05.2018 (Annexure A/1). The applicant preferred appeal dated 20.07.2018 (Annexure A/3) before the Appellate authority (Respondent No.2), which is still pending before the appellate authority. The applicant preferred reminders/representation dated 20.08.2018 and 12.10.2018 before respondent No.1. But no action has been taken by the respondent-department.

3. Learned counsel for the applicant submits that at this stage applicant will be satisfied if the appellate authority may be directed to consider and decide his appeal in a time bound manner.

4. Shri A.S. Raizada, learned Standing counsel for the respondents submits that he has no objection if this O.A. is disposed of in above terms.

5. As per submission of the learned counsel for both the parties, this Court is of the view that the submission made by the applicant is genuine particularly when the appeal has not been decided within 90 days and the appeal is still pending with the appellate authority. Resultantly, the appellate authority is directed to decide the applicant's appeal dated 20.07.2018 (Annexure A/3) within a period of 60 days on receiving the order of this Tribunal. The applicant is directed to supply copy of Original Application along with this order of Tribunal to the Appellate Authority (Respondent No.2).

6. Needless to say that the case has not been decided on merit by the Tribunal. The appellate authority shall give reasons and decide the appeal by way of speaking order.

7. With this observation, this O.A. is disposed of at admission stage itself.

**(Ramesh Singh Thakur)
Judicial Member**

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