

D. Dhanasekaran Vs. Uoi, Rep., by the Chief Workshop Manager, Carriage and Wagon Works, Perambur and Others

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Court : Central Administrative Tribunal CAT Madras

Decided On : May-04-2012

Judge : The Honourable Mr. G. Shanthappa, Judicial Member & the Honourable Mrs. O.P. Sosamma, Administrative Member

Appeal No. : OA.No.517 of 2012

Appellant : D. Dhanasekaran

Respondent : Uoi, Rep., by the Chief Workshop Manager, Carriage and Wagon Works, Perambur and Others

Advocate for Pet/Ap. : For the Applicant: M/s. S. Vijay, Advocate. For the Respondent : R. Krishnamurthy, Advocate.

Judgement :

G. Shanthappa, Judicial Member

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following relief:-

To call for the records pertaining to the order passed by the third respondent in proceedings no.CPB/227/5/V/2008/01/BL.7883/PA dated 27.9.2010 and to quash the same and consequently directing the respondents herein to reinstate the

applicant into service with all attendant and consequent benefits.”

2. We have heard the learned counsel for the applicant. Mr.R.Krishnamurthy is directed to take notice for the respondents and file memo of appearance.

3. Being aggrieved by the orders of the disciplinary authority, the applicant has preferred a statutory appeal dated 19.8.2011. When the said appeal is pending for consideration, he has filed the present OA challenging the orders of the disciplinary authority.

4. Learned counsel for the applicant submits that there is a delay in filing the appeal and the delay has also been explained in the appeal.

5. Learned counsel for the respondents submits that if a direction is given to the appellate authority to consider and decide the appeal of the applicant within a time frame, the appellate authority will consider and decide the same in accordance with rules.

6. Considering the submissions made by the learned counsel from either side, we feel that the ends of justice will be met if a direction is given to the respondents, i.e., the appellate authority to consider and decide the appeal of the applicant within a time frame. Accordingly, without going into the merits of the case, we direct the second respondent, who is the appellate authority to consider and decide the appeal of the applicant dated 19.8.2011 by exercising the powers vested on him under Rule 22 (2) of RSand(DA) Rules, in accordance with rules, within a period of three months from the date of receipt of a copy of this order.

7. With the above observations, the OA is disposed of at the admission stage.

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