

(2020) 09 CAT CK 0076

In the Central Administrative Tribunal

Case No : Original Application No. 1278 Of 2020

Sunil Kumar

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 16-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0076

Hon'ble Judges : L. Narasimha Reddy, J; Pradeep Kumar, Member (A)

Bench : Division Bench

Advocate : T D Yadav, Krishan Kant Sharma

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant was working as Telephone Attendant-cum-Dak Khalasi (TADK) in the Northern Railway. Disciplinary proceedings were initiated against him by issuing the charge memo dated 23.01.2019. The allegation against him was that he remained absent unauthorizedly from 20.12.2018 to 06.02.2019. The applicant submitted his reply and thereafter departmental enquiry was ordered. In his report dated 18.06.2019, the Enquiry Officer held the charge as proved. The applicant was furnished a copy thereof and on a consideration of the reply submitted by him, the Disciplinary Authority passed an order dated 23.10.2019 removing the applicant from service. Aggrieved by that, the applicant preferred an appeal on 03.12.2019. This OA is filed challenging the order dated 23.10.2019 and for a direction to the respondents to reinstate him into service.

2. We heard Mr. T.D. Yadav, learned counsel for the applicant and Mr. Krishan Kant Sharma, learned counsel for the respondents at the stage of admission.

3. The applicant has no doubt raised several grounds in his challenge to the order of removal. The fact however remains that he availed the remedy of appeal and the same is pending. The Appellate Authority would be in a position to

examine the matter in detail, with reference to the record and the facts. Though, the appeal was presented in December 2019, it appears that the same was not taken up due to the prevailing pandemic situation. We are of the view that the appeal can be required to be disposed of within a period of three months from the date of receipt of a copy of this order.

4. We, therefore, dispose of the OA directing the Appellate Authority to pass orders on the appeal submitted by the applicant against the order of removal dated 23.10.2019 within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.