

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE DR JUSTICE SHAMEEM AKTHER

W.P. No. 7560 of 2017

O R D E R:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed assailing the interim order dated 17.02.2017 passed by the Tribunal in O.A.No.020/ 0069 of 2017, whereby the Tribunal held as under:

“In the result, and in view of the foregoing reasons, we are not inclined to allow the prayer in the interim relief sought by the applicant. We, however, permit him to first approach the Appellate Authority with an appeal (if necessary with a petition for condonation of delay). The Appellate Authority shall consider the appeal along with the grounds stated in the pleadings of the O.A. for challenging the Annexure A-1 order imposing penalty. The Appellate Authority shall dispose of the appeal, within a period of two months provided that the applicant prefers an appeal within 15 days from the date of receipt of a copy of this order. If the applicant is aggrieved by the order of the appellate authority, he shall, within the prescribed time limit, approach the Revisionary Authority, who shall also dispose of the Revision Petition within a period of two months from the date of receipt of such Revision Petition. If the applicant is still aggrieved by the decision of the Revisionary Authority, he is free to challenge the orders of the Appellate and Revisionary Authorities by way of making amendments in this O.A. (for avoiding multiplicity of proceedings).

Ordered accordingly.

List the O.A. as “post when moved”. It is made clear that the respondents are free to file a detailed reply statement in the meantime.”

It is not in dispute that meanwhile, the petitioner filed an appeal before the appellate authority and the same was

dismissed vide order dated 20.04.2017. Thereafter, the petitioner filed Revision Petition on 19.05.2017, however the same is pending.

We note, the Tribunal granted liberty to the petitioner to file an appeal and revision and if the petitioner is aggrieved by the decision taken by the revision authority, he may amend the O.A. and challenge the same.

In view of the facts recorded above, this Court, without going into merits of the case, directs the respondents to dispose of the Revision Petition said to have been filed by the petitioner on 19.05.2017, within a period of two weeks from the date of receipt of a copy of this order. If the petitioner is still aggrieved by the decision that may be taken by the revision authority, he is at liberty to amend the O.A. which is pending before the Tribunal. It is made clear that the Tribunal, while considering and disposing of the O.A. on merits, shall not be influenced by the order 17.02.2017 passed in O.A.No. 020/ 0069 of 2017.

With the above directions, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

22.06.2017

bcj

SURESH KUMAR KAIT, J

DR. SHAMEEM AKTHER, J