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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1791/2002
with
OA 1792/2002 and
OA 1793/2002

New Delhi this the 15th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A.T.Rizvi, Member (A)

OA 1791/2002

Jeetender Pal Singh
S/O Shri Avtar Singh
Mobile Booking Clerk,
Northern Railway, Station Supdt.,
Ferozepur

...Applicant

(By Advocate Shri B.S. Mainee)

VERSUS

Union of India through :

1. The Secretary,
Ministry of Railways,
(Railway Board),
Rail Bhawan, Raisina Road,
New Delhi.
2. The General Manager,
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Rly. Manager,
Northern Railway, Ferozepur Cantt.

... Respondents

OA 1792/2002

Shri Surinder Singh,
S/O Shri Amar Singh,
Mobile Booking Clerk,
Northern Railway, Railway Stn.,
Sulhani (Ferozepur Division)
Punjab.

... Applicant

(By Advocate Shri B.S. Mainee)

VERSUS

Union of India through :

1. The Secretary,
Ministry of Railways,
(Railway Board), Rail Bhawan,
Raisina Road, New Delhi.

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2. The General Manager,
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Rly. Manager,
Northern Railway, Ferozepur Cantt.

.. Respondents

OA 1793/2002

Smt. Arun Bala,
D/O Sh. Mohinder Nath,
Enquiry-cum-Reservation Clerk,
Reservation Office, Northern
Railway, Amritsar (Punjab)

.. Applicant

(By Advocate Shri B.S. Mainee)

VERSUS

Union of India through :

1. The Secretary,
Ministry of Railways,
(Railway Board),
Rail Bhawan, Raisina Road,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House, New Delhi.
3. The Divisional Rly., Manager,
Northern Railway, Ferozepur,
Cantt.

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

We have heard Shri B.S. Mainee, learned counsel for the applicants in all the aforesaid three OAs. He submits that ~~the~~ similar orders have been assailed by the applicants to which they have also given replies by letters dated 3.7.2002 and 2.7.2002.

2. In the above facts and circumstances of the case, we dispose of three Applications by a common order. For the

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sake of convenience, the facts and orders filed by Shri Jitender Pal Singh in OA 1791/2002 have been referred to. He is aggrieved by the show cause notice issued by the respondents dated 25.6.2002 (Annexure A 1) to which he has also filed reply on 3.7.2002. Learned counsel has prayed that as the applicant has been in the services of the respondents as Enquiry-cum-Reservation-Clerk (ECRC) since 1986, his services should not be terminated till the disposal of the present OA. This OA has been filed on 11.7.2002 i.e. one week after the aforesaid representation has been given by the applicant, which hardly gives sufficient time to the respondents to pass a reasoned order on the representation. We note that in the representation, the applicant has taken a number of points, including the fact that an ECRC is the same as a Mobile Booking Clerk. He has also relied on a number of judgements of the Tribunal and the Hon'ble Supreme Court.

4. Having regard to the provisions of Section 20 of the Administrative Tribunals Act, 1985 and the facts and circumstances of the case, we consider it appropriate to dispose of this OA with the following directions:-

Respondents shall consider the applicants representations which are in reply to show cause notice dated 25.6.2002 and pass a reasoned and speaking order, taking into account the grounds taken by them in the representations as well as in the concerned OA. Till the representations are so disposed of by the respondents, they shall not terminate the services of the applicants. The

Yours

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order passed by the respondents shall be communicated to the applicants by registered post. In case the decision of the respondents is to terminate the services of the applicants, ~~then~~ that decision shall not be given effect to for a period of two weeks of the communication of the order.

No order as to costs.

5. Let a copy of this order be placed in OA 1792/2002 and OA 1793/2002.

6. Shri B.S.Mainee, learned counsel prays that a copy of this order be issued Dasti to him so that he can serve it on the respondents immediately. Ordered accordingly.

S.A.T.Rizvi
(S.A.T.Rizvi)
Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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