

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.45/2020

This the 28th day of February, 2020

**Coram : Hon'ble Shri Mohd. Jamshed, Member (A)
Hon'ble Shri M.C.Verma, Member (J)**

Ketan Dhirajlal Kandoliya
Aged : 34 years (DoB being 03.11.1985)
Son of Dhirajlal Veljibhai Kandoliya
Presently Residing at Block No.405, 4th Floor
Green Palace Apartment, Behind Lion School,
Navlakhi Fatak, MORBI 363 641.
District : Morbi, Gujarat. Applicant.
(By Advocate : Shri M.S.Rao)

VERSUS

1. Union of India,
To be represented through its Special Secretary to the
Govt. of India, Ministry of Railways, and Ex.Officio Chairman
Railway Board, Rail Bhavan, New Delhi 110 001.
2. Western Railway
To be represented through
The General Manger (E)
Western Railway, Hqrs. Churchgate,
Mumbai – 400 020.
3. The Divisional Railway Manager (E)
Bhavnagar Division, Western Railway
O/o. the DRM (E),
Bhavnagar Para, Western Railway,
Bhavnagar Para, Bhavnagar 364 001..... Respondents.

ORDER – ORAL

Per : Hon'ble Shri M. C. Verma, Member (J)

Heard. In addition to other submissions, learned counsel urged
that previously when matter of the applicant was before Hon'ble
High Court in SCA No.16889/2018, the Hon'ble High Court

permitted withdrawal with liberty to ventilate legitimate grievance in accordance with law, relating to communication dated 26.9.2018 addressed of all General Managers, All India Railways. That pursuant to said liberty, applicant did prefer representation dated 12.10.2019 but it was rejected vide Order dated 24.10.2019. Learned counsel submits that order passed by the respondent on representation of the applicant is neither speaking nor legally sustainable as they have not considered the point raised in said representation. Learned counsel urged that applicant would be satisfied, if the OA be disposed of with direction to the respondents to re-consider his representation dated 12.10.2019 (Annexure A-30) and to pass a speaking order thereon.

2. Considered the submissions and perused the record. While allowing withdrawal of SCA No.16889/2018 of the applicant, Hon'ble High Court gave liberty to the applicant to ventilate his legitimate grievances. Last para of the judgment speaks about said liberty and reads : ***“We make it clear that permission for withdrawal is granted in this writ petition for a limited purpose to ventilate legitimate grievance in accordance with law about communication dated 26.09.2018 addressed to all General Manager, All Indian Railways.”***

CAT, Ahmedabad Bench

3. Taking note of entirety of the matter, in larger interest, we dispose of the OA at this admission stage itself with direction to the respondents to re-consider representation dated 12.10.2019 (Annexure A-30) of the applicant and to pass a comprehensive and speaking order covering aspects and points raised in representation, relating to issue pertaining to which liberty was granted by Hon'ble High Court, within a period of two months from the date of receipt of this order.

4. With the above direction, the OA stands disposed of.

5. Learned counsel requests for Dasti service of this order to the respondents. Request as has been made is acceded to.

(M.C.Verma)
Member (J)

(Mohd. Jamshed)
Member (A)

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