

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

**M.A. No.1033/2019
IN
O.A. No. 564/2017**

Date of decision: 10.12.2019

**Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhyaya, Member (A)**

Hari Babu Son of Shri Ram Sahaya, aged about 56 years, resident of Gali No.2, Saraswati Colony, Roteda Road, Kota and presently working as Helper (Khallasi), under Senior Section Engineer Signal (C), West Central Railway, Kota Division, Kota.Applicant

(By Advocate: Shri C.B.Sharma)

VERSUS

1. Union of India, through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager, West Central Railway, Kota Division, Kota.
3. Deputy Chief Signal & Telecom Engineer (Construction), West Central Railway, Kota Division, Kota.

....Respondents

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

The present Misc. Application has been filed by the applicant seeking revival of the Original Application No.291/564/2017 which was disposed of by this Tribunal on 23.03.2018 with the observations that after re-visitation of Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff

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(LARSGESS) by the Railways in terms of the directions issued by the Hon'ble Supreme Court, if any party feels aggrieved, the matter can be re-agitated in accordance with law before the competent forum having jurisdiction over the matter.

2. It has been noticed that along with O.A. No. 564/2017 Hari Babu Vs. U.O.I. & Ors. various other Original Applications including O.A. No. 132/2016 were disposed of by way of a common order dated 23.03.2018. A similar Misc. Application No. 627/2018, as has now been filed by the applicant herein, was also filed in O.A. No. 132/2016 Ram Swaroop Vs. U.O.I. & Ors. The said misc. Application was taken up for hearing by this Tribunal on 18.10.2019. The respondents while following the terms of Railway Board's order dated 12.07.2019 filed an additional affidavit dated 24.09.2019 in the said misc. application wherein an undertaking was given to the effect that if individual representations are received, the Railways shall examine and dispose of the said representations based on the factual matrix of each case as they are under obligation to consider those representations of the employees pertaining to the cycle pending prior to 27.10.2017.

3. While keeping in view the said undertaking given by the respondents, this Tribunal declined to revive O.A. No.132/2016 Ram Swaroop Vs. U.O.I. & Ors. However, while disposing of M.A. No. 627/2018 in O.A. No. 132/2016, an observation was made that if, the applicant files a representation within a period of one

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month from the date of receipt of a certified copy of the order passed therein, the same shall be considered by the respondents in terms of their undertaking given in their additional affidavit and a reasoned and speaking order shall be passed in accordance with law within a period of two months thereafter.

4. Shri C.B. Sharma, learned counsel for the applicant submitted that the present misc. application may also be disposed of in the same terms.

5. Accordingly, the present Misc. Application is disposed of with the observations that if the applicant files a representation within a period of one month from the date of receipt of a certified copy of this order, the same shall be considered by the respondents in terms of their undertaking given in their additional affidavit dated 24.09.2019 filed in M.A. No. 627/2018 in O.A. No. 132/2016 and a reasoned and speaking order shall be passed in accordance with law within a period of two months thereafter. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing.

6. Ordered accordingly. No order as to costs.

(A.Mukhopadhyaya)
Member (A)

/kdr/

(Suresh Kumar Monga)
Member (J)

