

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2136/2001
M.A.NO.1766/2001

Wednesday, this the 13th day of November, 2002

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri A.P. Nagrath, Member (A)

- 1. Kartar Singh Bagri
s/o Shri Banwari Lal
 - 2. Daleep Kumar s/o Late Shri Munni Lal
 - 3. R.P.Saini s/o Shri C.S. Saini
 - 4. Mithan Lal s/o Ami Lal
 - 5. Subhash Chander s/o Late Shri Daulat Ram
 - 6. P.D. Thakral s/o Late Shri R.K.Thakral
 - 7. K.L.Joshi s/o Late Shri Charan Dass Joshi
 - 8. Arun Kumar s/o Shri Madan Mohan
 - 9. Meenakshi Bhardwaj D/O Madan Mohan Sharma
 - 10. Ashok Kumar s/o Late Shri Dharam Chand
 - 11. M.S. Faridi s/o A.R.Faridi, and
 - 12. Parveen Batra d/o Late Shri H.B.Bhagar
...Applicants
- (By Advocates: Shri M.L.Sharma & Shri H.P.Chakravorti)

Versus

- 1. Union of India
through the General Manager
Northern Railway, Baroda House,
New Delhi
 - 2. The Chief Administration Officer
Construction Head Quarter
Northern Railway, Kashmiri Gate
Delhi-6
...Respondents
- (By Advocate: Shri B.S.Jain)

O R D E R (ORAL)

Shri Justice V.S.Aggarwal:

On behalf of the respondents, a preliminary objection has been taken that a joint application has been filed which is not permissible because each of the applicant is serving in different Units in different

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capacities. Normally, we would have allowed such a plea but herein, as would be noticed hereinafter, on the short question which is a common issue that a proper ^{application} ~~appreciation~~ of mind to the show cause notice has not been given, the OA is being allowed.

2. The applicants have been serving under the respondents in different capacities. They were working in the Construction Division of the Railways. Their grievance in this regard is the order, a copy of which is placed at Annexure A-1, whereby the pay of the individual applicants has been refixed and it has been directed that excess payment will be calculated and intimated to each of them, resulting in recovery to be made.

3. During the course of submissions, it transpired that the show cause notice had been served and reply even had been filed by the applicants. Our attention has not been drawn to any order purported to have been passed considering the representation and in that regard giving reasons for accepting or rejecting the same. The impugned order does not indicate that the representations of the applicants have been taken into consideration.

4. It is a settled principle of law which has made deep roots into our jurisprudence that while considering the representation, some indication must be given, however brief or long it may be, to show that the same has been considered with application of mind. In the present case, we are not aware of any such order nor our attention has been drawn towards it.

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5. Taking stock of the same, we quash the impugned order and direct that respondent No.2 will pass a speaking order considering the representation of the applicants on the record and convey to them before taking any action.

6. Subject to aforesaid, OA is disposed of.



(A.P. Nagrath)
Member (A)



(V.S. Aggarwal)
Chairman

/sunil/