

(15)

Central Administrative Tribunal, Principal Bench

Original Application No.2558 of 2001

New Delhi, this the 15th day of November, 2002

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

Laxmi Narayan Yadav
RGSM (OFFG Station Supdt.)
Northern Railway Station,
Jatusana(Haryana)

....Applicant

(By Advocate: None)

Versus

1. Union of India, through
The General Manager
Northern Railway
Baroda House, New Delhi
2. The Divisional Railway Manager,
Northern Railway,
Bikaner Division
DRM Office, Bikaner (Rajasthan)
3. The Sr. Divisional Personnel Officer,
Northern Railway,
Bikaner Division
DRM Office, Bikaner (Rajasthan)

....Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application (Laxmi Narayan Yadav/applicant) seeks setting aside of the order passed by the Senior Divisional Personnel Officer, Northern Railway, Bikaner Division, fixing his pay. He seeks that his pay should be re-fixed with effect from 1.1.73.

2. At the time when the matter had been called, there had been no appearance on behalf of the applicant. In these circumstances, this Tribunal did not have the advantage of hearing the applicant or his learned counsel.

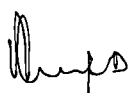
3. During the course of submissions, learned counsel

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for the respondents had drawn our attention towards the show cause notice purported to have been served by the respondents to the applicant dated 2.1.2002, copy of which is Annexure R-3. By virtue of the said show cause notice, the pay of the applicant is proposed to be re-fixed. We were informed that as yet reply to the said show cause notice has not been filed by the applicant. To our query, the learned counsel for the respondents stated that in the reply to the aforesaid show cause notice, the applicant can take the pleas that have been raised in the present O.A., which can also be considered by the department.

4. When ~~the~~ the matter is open before the department, we dispose of the present application with a direction that the applicant would submit a reply to the show cause notice of 2.1.2002 within two months of the receipt of the certified copy of the order. Registry is directed to intimate the applicant who is absent today about the order passed. The applicant would be at liberty to take all the legal and factual pleas available to him including what he has urged in the present application. Respondent no.3 would consider the reply and thereupon pass speaking order while fixing the pay of the applicant and communicate the same to him. O.A. is disposed of.



(A.P. Nagrath)
Member(A)



(V.S. Aggarwal)
Chairman

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