

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/2074/2020

New Delhi, this the 15th day of December, 2020



**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Yogendra Kumar
S/o Shri Avdhesh Singh
Substitute Bungalow Khalasi
R/o S-573-B, Ground Floor,
School Block, Shakarpur,
Delhi-110092

...Applicant

(Through Shri R.K. Shukla, Advocate)

Versus

1. Union of India
Through the General Manager,
Northern Railway HQ,
Baroda House, New Delhi
2. Ms. Lata Kumari,
The then Secretary
Indian Railway Conference Association,
Paharganj, New Delhi-110055
3. The General Secretary
Indian Railway Conference Association,
Paharganj, New Delhi-110055
4. The Assistant Director (WI),
Indian Railway Conference Association,
State Entry Road,
Paharganj, New Delhi-110055
5. The Chief Personnel Officer,
Northern Railway Headquarter,
Baroda House, New Delhi

... Respondents

(Through Shri Krishna Kant Sharma, Advocate)

ORDER (ORAL)

Hon'ble Mr. R.N. Singh, Member (J)



The present application has been filed by the applicant praying therein for the following reliefs:

- “(a) direct the respondents to reinstate the applicant in service or to issue an order of suspension thereby they may be directed to pay the subsistence allowance.
- (b) any other relief which this Hon'ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case in favour of the applicant.”

2. Learned counsel for the applicant submits that on revision petition preferred by the applicant, the revisionary authority passed order dated 25/26.07.2016 (Annexure A-4 colly.), whereby it has been decided to conduct re-enquiry in the case as per provisions of Railway Servants (Discipline & Appeal) Rules, 1968. It has further been intimated therein that necessary information in this regard will follow.

3. Shri R.K. Shukla, learned counsel for the applicant submits that in spite of lapse of more than four years, neither the said re-enquiry has been completed and taken to logical conclusion by the respondents nor the applicant has been allowed to join duties nor has he been put under suspension through any order. Further, as the applicant has not been paid even any subsistence allowance, he has almost reached the stage

of starvation. He further points out that for redressal of his grievance, the applicant has issued a legal notice dated 19.10.2019 but the same has also not been considered and responded to by the respondents till date. However, learned counsel for the applicant admits that no comprehensive representation has been preferred by the applicant before the competent authority for redressal of his grievances as raised in the present OA.



4. In view of the aforesaid facts and circumstances, learned counsel for the applicant submits that the OA may be disposed of with liberty to the applicant to prefer a comprehensive representation before the competent authority for redressal of his grievances as raised in the present OA within 15 days from today and respondents may be directed to consider such representation in a time bound manner. Shri Krishna Kant Sharma, learned counsel who appears for respondents on advance service, has no objection to such request of the learned counsel for the applicant.

5. In view of the aforesaid, without going into the merits of the claim of the applicant, the present OA is disposed of with liberty to the applicant to prefer a representation before the competent authority of the respondents within 15 days from today and, in case, such representation is preferred by the applicant within the stipulated time, the competent authority shall consider and decide the same by passing a reasoned and speaking order within six weeks of receipt of such representation.

6. The OA is disposed of in the aforesaid terms. No order as to costs.



(R.N. Singh)
Member (J)

/dkm/daya/

(A.K. Bishnoi)
Member (A)