

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00464/2020

DATED THIS THE 15th DAY OF OCTOBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

Sri K.Nithayand Swamy
S/o late Kodandaramaiah
Aged about 52 years
Senior Section Engineer, Kunigal (KIGL)
R/at No.10D, Railway Quarters
K.R.S.Agrahara
Kunigal-572130.

....Applicant

(By Advocate Shri B.O.Anil Kumar - through video conference)

Vs.

1. The Asst. Personnel Officer
Division Office, City Railway Station
Bengaluru-560023.

2. The Senior Divisional Engineer
Co-ordination, City Railway Station
Bengaluru-560023.

3. Sri Mirtunjay Kumar
Senior Section Engineer
Railway Station
Channapatna-571 501.

4. Union of India
Represented by the General Manager
South Western Railway
Hubli-580031.Respondents

O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- i. Issue a writ or order or writ in the nature of Certiorari quashing the impugned Office Order bearing No.E.Cell/810/08/2020 dated 06.08.2020 (Annexure-A4) issued by the 1st respondent in so far as the applicant and the 3rd respondent are concerned with a further direction to continue the applicant as the Senior Section Engineer, Kunigal.
- ii. Pass any other order or direction or any other relief as deemed fit by this Hon'ble Tribunal including the exemplary cost of this application, in the interest of justice, equity and fair play in administration.

2. At the very outset, Shri B.O.Anil Kumar, learned counsel representing the applicant submitted that after issuance of order dated 06.08.2020, the applicant had moved a representation dated 12.09.2020(Annexure-A5) on which no decision has been taken by the respondents upto today.

3. He further submitted that the applicant will be satisfied if a direction is

issued to the respondents to decide his pending representation within a time frame.

4. Keeping in view the aforesated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to respondents to decide the applicant's pending representation and pass a reasoned and speaking order in accordance with law. The applicant shall also be afforded an opportunity of hearing before taking such a decision. The whole exercise shall be undertaken within a period of one(1) month from the date of receipt of a certified copy of this order.

6. The OA stands disposed of in the above terms. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

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Annexures referred to by the applicant in OA No.464/2020:

Annexure-A1: Duty report dtd.3.3.2017
Annexure-A2: Communication dtd.31.3.2017
Annexure-A3: Order/letter dtd.7.8.2020
Annexure-A4: Impugned office order dtd.6.8.2020
Annexure-A5: Representation dtd.12.9.2020
Annexure-A6: Master Circular No.24
