

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.2356 of 1991

Date of Decision: 13.5.93.

Madan MohanApplicant.

Versus

Union of India & othersRespondents.

CORAM:

Hon'ble Mr.Justice S.K.Dhaon, Vice-Chairman,

Hon'ble Mr.S.R.Adige, Member(A)

For the applicant: Shri Anis Suhrawardy, Counsel.

For the respondents: Shri R.L.Dawan, Counsel.

JUDGMENT(ORAL)

(By Hon'ble Mr.Justice S.K.Dhaon, Vice-Chairman)

On 21.2.91 the petitioner addressed a representation to the General Manager(P), Northern Railway, Baroda House, New Delhi requesting that he may be absorbed in regular Railway service and above the fresh recruitment anywhere in Northern Railway.

2. On 25.2.91, the Assistant Controller of Stores Northern Railway, Amritsar sent a communication to the Deputy Controller of Stores, Northern Railway, mentioning therein the fact that on 21.2.91 the petitioner had addressed an application to the General Manager(P), a copy submitted to him(Asstt.Controller of Stores). The Asstt.Controller of Stores forwarded the application in original to the Deputy Controller of Stores with the remark;-

".....enclosed for kind information and necessary disposal please."


3. The only submission made is that the Dy. Controller of Stores, Northern Railway, may be directed to pass an appropriate order upon the said representation of the petitioner.

4. In the Counter-affidavit filed on behalf of the respondents, it is averred that the abovementioned

representation along with the above mentioned forwarding letter of the Asstt. Controller of Stores did not reach the Deputy Controller of Stores. The original communication of the Asstt. Controller of Stores has been produced before us. We have perused the same and we are satisfied that Annexure-P2 to this original application is a true copy of the communication sent on 25.2.91 to the Deputy Controller of Stores. Thus, there cannot be an escape from conclusion that the petitioner had addressed a representation on 21.2.91 to the General Manager(P) and the same had been forwarded by the Asstt. Controller of Stores on 25.2.91 to the Deputy Controller of Stores.

5. In the counter affidavit it has been averred that the petitioner had a bad past conduct and he entered the service of the Railway earlier illegally. Be that ^{as} it may, the Deputy Controller of Stores, while considering the representation of the petitioner, shall take into account all the facts and thereafter give a decision. If he feels that the representation of the petitioner should be rejected, he shall give reasons and communicate the same to the petitioner within a period of two weeks from the date of passing of his order. The Deputy Controller of Stores shall pass a speaking order as expeditiously as possible.

6. With these observations, this application is disposed of but without any order as to costs.


(S.R. ADIGE)
MEMBER(A)


(S.K. DHAON)
VICE-CHAIRMAN(J)

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