

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2795/2004

New Delhi, this the 23rd day of November, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Triloki Nath Khatri
S/o Late Sri Ganesh Das Khatri
Retired Executive Engineer
(Track Machine)
H.Q. Office Baroda House
New Delhi - 110 001.
R/o 238, Urban Estate-II
Hissar (Haryana).

...Applicant
(By Advocate Sh. H.P.Chakravorty, proxy for Sh. M.L.Sharma)

V E R S U S

1. Union of India through
General Manager
Northern Railway
Baroda House, New Delhi.

...Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. This OA has been filed seeking directions being given to the respondents to restore his pay of Rs.3,450/- w.e.f. 1.1.94, as explained in paragraphs 4.4, 4.5 & 4.6 of the application and the last pay at Rs.12,925/-. He has also prayed for retirement dues being released to him on average emoluments on the basis of the above pay and a sum of Rs.30,000/- recovered from his gratuity being refunded to him together with interest @ 24 % p.a. on the total sum from 1.9.2001 onwards till the date of actual payments.

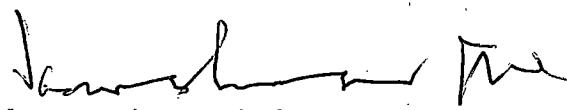
3. The applicant, who retired from the Railways on 31.8.2001 on superannuation has been representing to the respondents in the matter since 15.5.2003. His representation submitted in this regard is placed at Annexure A-2 and the same have been followed up with 11 reminders, copies of which are placed as Annexures to the OA following Annexure

- 2/-



A.2. Surprisingly, the respondents have not cared to respond to these letters/representations as submitted by the applicant. On perusal of these representations, it is observed that he has also made a specific reference to the case of one Sh. G.D.Chaukiyal who retired on 31-3-2003. According to him, his case is similar to that of Sh. Chaukiyal and, therefore, he has prayed that his case may be decided on the same lines as has been done in the case of the said person. The respondents should have responded to the subject matter as persistently taken up with them by the applicant. This act of non-response and silence on the part of the respondents is a matter of serious concern and cannot be appreciated.

4. Under these circumstances, I am of the considered opinion that the appropriate course at this stage would be to dispose of this OA with directions to the respondents to consider the matter as has been submitted to them by the applicant through his representations, copies of which are annexed to this OA, together with OA, treating the same as a supplementary representation of the applicant, and to do the needful under the relevant rules and instructions on the subject and also keeping in view the decision in the case of Sh. Chaukiyal. The respondents shall ensure that this exercise is completed within two months from the date of receipt of a copy of this order.


(Sarweshwar Jha)
Member (A)

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