

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 4th DAY OF **January** 2010)

Present

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MR S.N. SHUKLA, MEMBER-A

Original Application No. 967 of 1997
(U/S 19, Administrative Tribunal Act, 1985)

Harish Chandra Yadav, S/o Sri Jagdish Yadav, R/o Village Choubhariya,
P.O. Bakuchi, Distt. Deoria.

..... Applicant

By Advocates : Shri S.N. Tripathi
Shri S.K. Kushwaha
Shri P.N. Bind

Versus

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Varanasi.(U.P.)

..... Respondents

By Advocate : Shri P.N. Rai

ORDER

(Delivered by: Justice A.K. Yog, Member-J)

Heard learned counsel for the parties.

2. O.A. was filed in the year, 1997 and remains pending for one reason or other. On primarily, in view of the fact that Respondents were not deleted description and went to the Apex Court, thereafter, the Apex Court passed an order on 13.05.2009 in Civil Appeal No.3569 of 2009 (Order is on record). Consequently, applicant made description and representation and matter is listed today.

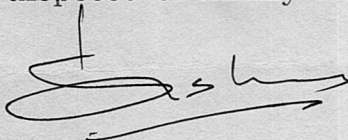
Ans

3. Learned Standing Counsel (Railways) Sri P.N. Rai prays for time to file parawise Counter Reply.

4. On perusing the O.A.(filed in), we are of the view that, considering the facts and circumstances (including the fact that 'issues raised in O.A will require adjudication of facts i.e. whether the applicant enjoyed temporary status, whether the representation filed by him (as alleged) has been decided and if so why' decision is not communicated to the Applicant so far.

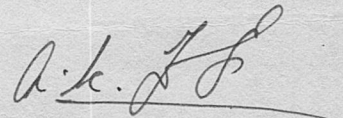
5. By means of this O.A. applicant has claimed relief in the nature of mandamus. It is well settled that a person seeking writ, order or direction in the nature of mandamus and approached the concerned party and in case he is denying relief only then he should be allowed to approach Tribunal/Court. We are of the view (considering the pleadings contained in Para-2 of the O.A.) that applicant be directed to file fresh comprehensive parawise representation before Respondent No.2 so that his grievance be considered by the concerned Respondent Authority. Accordingly, we direct the applicant to file a certified copy of this order, alongwith a copy of the O.A. (both compilation-I & II) before respondent No.2/ Divisional Railway Manager, North Eastern Railway, Varanasi.(U.P.), within six weeks from today and the said authority shall, (provided certified copy of this order is filed as stipulated and contemplated above), decide said Representation within three months of receipt of certified copy of the order (as indicated above). Decision taken shall be communicated to the applicant forthwith.

6. OA stands disposed of finally subject to the above directions. No costs.



Member-A

Sushil



Member-J