

OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.85 of 1998.

Allahabad this the 22nd day of July 2003.

Hon'ble Mr. Justice R.R.K Trivedi, V.C.
Hon'ble Mr.D.R. Tewari, A.M.

Lakhan Singh
aged about 37 years,
son of Shri Kishan Singh,
Resident of 176/3 Outside Daliya Gata,
Jhansi.

.....Applicant.

(By Advocate : Sri A.K. Dave)

Versus.

1. Union of India
through the General Manager
Central Railway,
C.S.T. Mumbai.
2. Divisional Railway Manager
Central Railway, Jhansi.

.....Respondents.

(By Advocate : Km. S. Srivastava)

O_R_D_E_R

(Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A. filed under section 19 of
Administrative Tribunals Act 1985, the applicant has
prayed for a direction to the respondents to implement the
order dated 08.02.1996 by which it was proposed to give
promotion to the applicant as Tin Smith w.e.f. 25.6.84. An
objection was invited from all Tin Smith^α working in the
Carriage and Wagon Department. The reason stated in
the notice^α was that the applicant had given his option
on 18.10.1983 but it was not forwarded for consideration
then he was asked to give another option on 7.5.1984

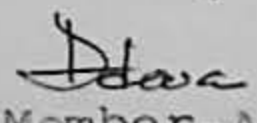
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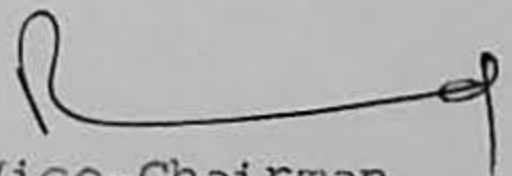
which was forwarded and on that basis he was assigned seniority below than Ghanshyam Das also, though he had submitted his option on 04.01.1984.

2. We have considered the question as to whether the applicant had submitted his option on 18.10.1983, which has been disputed before us but we do not ~~material to record any positive finding~~ find any ~~record~~. No decision taken by the Competent Authority on the notice issued on 08.02.1996. The applicant is entitled for the implementation of the notice filed as Annexure A-2. In our opinion, the ends of justice will ^{be} better ^{be} served if the O.A. ~~be~~ disposed of with the direction to the respondent No.2 to consider and decide the seniority of the applicant in the light of the notice dated 08.02.1996 after hearing the concerned parties.

2. The O.A. is accordingly disposed of with direction to the respondent No.2 to take the decision on the proposed show cause notice dated 08.02.1996 within a period of 3 months from the date, a copy of the order is filed. The order shall be reasoned and shall be passed after hearing the concerned parties.

No order as to costs.


Member-A.


Vice-Chairman.

Manish/-