

OPEN COURT

**Central Administrative Tribunal Allahabad Bench
Allahabad.**

Allahabad This The 13th Day Of October, 2008.

ORIGINAL APPLICATION NO. 164 OF 2001.

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)

Paras Nath Prasad, son of late Ram Raj Sahu, Retired
Engine Fitter GrL, Department of Mechanical Loco-
Mau, at present residing at, Gram Ekdangwa, Post
Batani, District Deoriya.

.....Applicant

By Advocate : Shri Anant Vijay

Versus

1. Union of India through Secretary Ministry of
Railway, New Delhi.
2. Divisional Rail Manager (Personnel), North
Eastern Railway Varanasi.
3. Divisional Mechanical (Power) N.E. R Varanasi.
4. Section Engineer (N.E.R) Loco Mau Jn.

.....Respondents

By Advocate: Shri K.P. Singh

ORDER

Heard Shri Anant Vijay, Advocate, appearing for
the applicant and Shri K.P. Singh, Advocate, counsel
for the respondents.

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2. According to the applicant he is entitled for overtime and other traveling allowance, with interest etc. for the period from 17.9.1991 to 21.6.1999 under relevant Rules of the Department alongwith interest. According to the applicant, he has been continuously approaching the department for payment of aforesaid amount.

3. Respondents have filed counter affidavit, resisting the claim of the applicant.

4. Considering the nature of issues required to be adjudicated, perusal of original record may be necessary to adjudicate factual aspects in the light of relevant statutory Rules, Circulars, Office Memorandum etc. which may have been in force at relevant times. This exercise can be bonafidely undertaken by the Departmental Authority.

5. In view of the above, it is provided that let the applicant approach the concerned Respondent Authority by filing a comprehensive representation with respect to his claim (subject matter of present O.A) and the same may be decided by the concerned competent authority in accordance with law and disclose reasons for rejecting (if any) claim of the applicant.

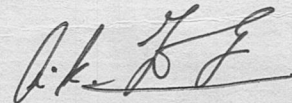
6. In view of the above, I direct the applicant to file certified copy of this order alongwith copy of the O.A. (with all Annexures) as well as comprehensive representation, with respect to his claim (subject

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matter of the present O.A.) within 6 weeks from today before respondent NO. 3/Divisional Mechanical (Power) N.E. R Varanasi; said the Authority, shall (provided representation is filed as contemplated/stipulated above), decide said representation exercising unfettered discretion within 3 months from the date of receipt of copy of this Tribunal, in accordance with law by passing a reasoned/speaking order. Decision taken shall be communicated forthwith to the Applicant.

7. O.A stands disposed of finally subject to above observation.

8. No order as to costs.



(Justice A.K. Yog)

Member (J)

Manish/-