

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No. 1214 of 2001.

Allahabad this the 13th day of August 2004.

Hon'ble Mr. A.K. Bhatnagar, Member-J.
Hon'ble Mr. D.R. Tiwari, Member-A.

Jogendra Singh son of late Sri Jaleshwar Singh
Indian Institute Colony No.1426 E/E
Mughalsarai Chandauli.

....Applicant.

(By Advocate : Sri V.K. Srivastava)

Versus.

1. Union of India
through its General Manager,
Eastern Railway, Netaji Subhash
Road Kolkata.
2. Divisional Rail Manager,
Eastern Railway,
Mughalsarai.
4. Senior Divisional Personnel Officer,
Eastern Railway, Mughalsarai.

.....Respondents.

(By Advocate : Sri K.P. Singh)

O_R_D_E_R

(By Hon'ble Mr. A.K. Bhatnagar, J.M)

By this O.A., applicant has prayed for following
relief(s) :

- "(a) That by means of suitable order or direction in the nature of mandamus commanding the respondents to regularise the services of the applicant since 1.2.1994 till 3.4.1995 as spent on duty and make the payment of salary for the said period alongwith other benefit as are admissible under rules.
- (b) That by means of suitable order or direction in the nature of mandamus commanding the respondents to make the payment of interest on the delayed payment at the rate of 18%.
- (c)
- (d)

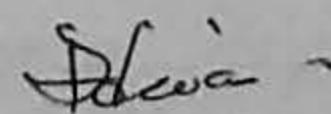
2. The grievance of the applicant is that he had preferred several representations to the respondents authorities to regularise the period from 01.02.1994 to 4.4.1995 as spent on duty but nothing has been done.

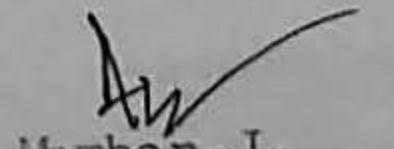
3. Sri K.P. Singh learned counsel for the respondents invited our attention on para 22 of the counter affidavit and submitted that as per Hon'ble Central Administrative Tribunal's decision dated 26.02.1997 in O.A. No.519 of 1994, the respondents were directed to consider the claim of the applicant. The respondents had asked the applicant to apply for regularisation of his absent period but the applicant refused to do so as such absent period from 01.02.1994 to 04.04.1995 could not be regularised.

4. We have heard counsel for the parties and perused the records.

5. After hearing at length, we are of the view that this O.A. can be disposed of finally by granting a liberty to the applicant to file a fresh and detailed representation regarding his grievance to the respondent No.4 i.e. Senior Divisional Personnel Officer, Eastern Railway, (now East Central Railway) Mughalsarai with a direction to respondent No.4 to decide the same within a specified period.

6. Accordingly the O.A. is finally disposed of by granting a liberty to the applicant to file a fresh and detailed representation within a period of three weeks from the date of receipt of copy of this order and respondent No.4 i.e. Senior Divisional Personnel Officer, Eastern Railway (East Central Railway) Mughalsarai is directed to decide the same by a reasoned and speaking order within a period of three months from the date of receipt of such representation alongwith copy of this order.


Member-A.


Member-J.