

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 01ST DAY OF JULY 2009)

PRESENT

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MRS MANJULIKA GAUTAM MEMBER- A**

**ORIGINAL APPLICATION NO. 1208 OF 2004.
(U/S 19, Administrative Tribunal Act, 1985)**

1. Bhagwan Das aged about 40 years, son of late Shri Ram Charan resident of 131, Suje Khan Khirki, Jhansi.
2. Narendra Kumar aged about 26 years son of late Shir Bhagwan Singh R/o 600 IssaiTola, Jhansi.
3. Pramendra Kumar Kulshrestha aged about 30 yearsm, S/o Shri B,K. KULshrestha R/o 23/202 C, Wazirpura, Agra.
4. Santosh Singh Rajput aged about 26 years, son of late Shri Dwarka Prasad R/o New Railway Colony, Gwalior.
5. Arvind Kumar aged about 35 years S/o late Shri Narayan R/o 393/17, Prem Ganj, Sipri Bazar, Jhansi.
6. Tej Singh Meena aged about 27 years, son of Shri Badan Singh Meena R/o Village Maharasar Post Borari District Bharatpur (Rajasthan).
7. Mohd. Sharif aged about 31 years, son of Shri Sahzad Khan R/o Awas Vikas Colony, Nandanpura, Jhansi.
8. Rajendra Prasad Srivastava, aged about 38 years, son of late Shri Shiv Prasad Srivastava R/o Bundela Colony, Daita (M.P.)
9. Arvind Kumar Verma aged about 39 years son of late Shri Mahesh Kumar Verma R/o 83 Laxman Ganj, Jhansi.
10. Rajesh Sinoriya aged about 34 years s/o late Shri Nardas Sinoriya R/o 1174 Gondu Compound, Sipri Bazar, Jhansi.
11. Prem Simoliya aged about 29 years son of Shri Mauji Lal Simoliya R/o 215, Rathor Santar, Murar, Gwalior (M.P).
12. Gaurav Srivastava aged about 25 years son of Shir Harswarup Srivastava R/o 94 Thakuryana, Pulliya NO. 9, Jhansi.

.....Applicant

By Advocate : Shri R.K. Nigam

Versus.

1. Union of India through Secretary, Railway Board, New Delhi.
2. General Manager, North Central Railway, Allahabad.
3. Divisional Railway Manager, North Central Railway, Jhansi.

[Signature]

.....Respondents]

By Advocate: Shri K.P Singh

ORDER

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

Heard Shri R.K. Nigam, Advocate appearing on behalf of the applicant and Shri K.P. Singh, Advocate appearing on behalf of the Respondents. Perused the pleadings and documents on record.

2. Applicant has claimed for following relief/s:-

"8. *Relief Sought:*

In view of the facts mentioned above, the humble petitioners pray for the following relief (s):

(i) *to issue a writ, order or direction in the nature of mandamus thereby commanding the Respondents to assign seniority to the petitioners in Technicians cadre (Rs. 3050 – 4590) from the initial date of joining as such inclusive of training period, in the seniority.*

(ii) *to issue another writ order or direction in the nature of mandamus thereby commanding respondents NO. 1 or 2 in alternative Respondent NO.2 to treat this petition as comprehensive representation and decide the same by reasoned and speaking order and the humble petitioners may be given liberty to challenge the decision of Respondent NO.1 or respondent No. 2 as the case may be if they are aggrieved by their decision.*

(iii) *to issue any other suitable order in favour of the humble petitioners as deemed fit by this Hon'ble Tribunal in the facts and circumstances of the case:*

(iv) *to award cost of the petition in favour of the humble petitioners".*

3. Perusal of aforequoted reliefs show that representation filed by the applicant has not been decided. It is well settled that aggrieved person should first approach Concerned Authority for

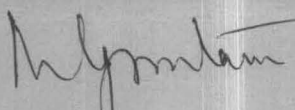


redressal of his grievance and only when he fails, he may seek redressal from appropriate forum in law.

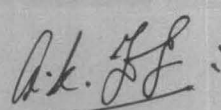
4. Consequently, we direct applicant to file comprehensive representation alongwith a certified copy of the order as well copy of Original Application (with all Annexure/s) before respondent NO.3/ Divisional Railway Manager, North Central Railway, Jhansi within a period of 6 weeks from today. If representation is filed within stipulated period (as contemplated above), said Authority shall consider the grievance of the applicant and decide said representation by a reasoned and speaking order in accordance with relevant law without being influenced by any of the observations made above exercising unfettered discretion within a period of four months from the date of receipt of copy of the order. Decision taken shall be communicated to the applicant forthwith.

5. With the above direction, OA stands disposed of.

6. No order as to costs.


Member (A)

Manish/-


Member (J)