

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1222 of 2004.

Allahabad this the 25th day of October, 2004.

Hon'ble Mr. A.K. Bhatnagar, Member-J.
Hon'ble Mr. S.C. Chauhan, Member-A.

Madan Lal Pathak
Son of Sri Sachidanand Pathak
Resident of House No.ET/75-A, Cantt Colony,
Mathura.

.....Applicant.

(By Advocate : Sri A Chandra/
Sri A.K. Shukla/
Sri C.P. Srivastava)

Versus.

1. Union of India
through General Manager,
North Eastern Railway,
Gorakhpur U.P.
2. Assistant Divisional Engineer,
Mathura Cantt, Mathura.

.....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. filed under section 19 of Administrative
Tribunals Act 1985, the applicant has prayed for quashing
the impugned order dated 26th October 2003 passed by
respondent No.3 and to reinstate the applicant in senior
scale of Rs.2,750-Rs.4,400 in the category of Class III
employee.

2. While working as Track Man in the respondent's
establishment, the applicant was transferred to
Mathura on 02.04.01, thereafter he was promoted in the scale
of Rs.2750-Rs.4400 by order dated 20.10.2001. The applicant
is challenging the order passed by respondent No.2 dated
26.10.2003 by which the applicant was reverted back to

Am

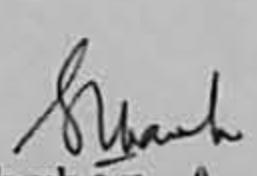
the scale of Rs.2610- Rs.3540.

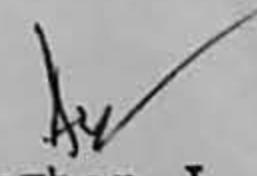
3. Learned counsel for the applicant submitted that no show cause notice was issued to the applicant by Assistant Divisional Engineer, Mathura Cantt Mathura before passing the order dated 26.10.2003 so it is against the principle of natural justice. Learned counsel for the applicant submitted that he will be filing a fresh representation for his grievance to the Competent Authority/respondent No.2 within 2 weeks and applicant will be satisfied if his representation so filed, is to be decided by the Competent Authority/respondent No.2 i.e. Assistant Divisional Engineer, Mathura Cantt, Mathura within specified period.

4. After hearing counsel for the parties, we are of the view that this O.A. can be ^{w. disposed of, finally,} decided at the admission stage itself without calling for counter.

5. Accordingly, the O.A. is disposed of with a liberty to the applicant to file a fresh and detailed representation to the Competent Authority/respondent No.2 i.e. Assistant Divisional Engineer, Mathura Cantt, Mathura within a period of two weeks and Competent Authority/respondent No.2 i.e. Assistant Divisional Engineer, Mathura Cantt, Mathura is directed to decide the representation of the applicant by a reasoned and speaking order within a period of three months from the date of receipt of a copy of the order.

No costs.


Member-A.


Member-J.

Manish/-