

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1234 OF 2004

ALLAHABAD THIS THE 18th DAY OF September 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Sri G.S. Singh, Son of Late
Sri Gorakh Prasad Singh R/o
Village-Sirsiya, P.O. Rampur,
Karkhana, District-Deoria

. Applicant

By Advocate : Shri Virendra Kumar & Sri R. Rai

Versus


1. Union of India, through
Secretary, Ministry of Railways,
New Delhi.
2. General Manager, Northern Eastern
Railway (N.E.R.), Gorakhpur.
3. Chief Engineer (Bridge),
N.E. Railway, Gorakhpur.
4. Deputy Chief Engineer (Bridge) Workshop
& Open Line, Gorakhpur.

. Respondents

By Advocate : Shri K. P. Singh

ORDER

This application is filed seeking direction to the respondents for fixing the retrial benefits even though the applicant has made a representation to the respondents giving the details regarding his service particulars and other materials. Since the respondents have not passed any speaking order regarding the grievance of the applicant for non fixation of the pensionary benefits in accordance with law, and even though the junior of the applicants were

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given promotion, and the benefits given to them shall be given to the applicant, on considering the entire materials on record with regard to his service particulars, the respondents failed to pass speaking order.


2. However, on notice the respondents have filed the counter affidavit. Even though they denied the claim of the applicant and stated that the respondents never ordered/promoted on higher grade i.e. ASS./S.S. hence he is not entitled for higher grade pay, applicant was ordered to work in his existing capacity and pay scale i.e. JCFO Grade III in the pay scale of Rs.425-700 purely on temporary basis till such time, the eligible shop superintendent be posted and in the counter affidavit it is stated that in view of the Hon'ble Supreme Court decision and the order of the Tribunal the case of the applicant will be considered as per rules.

3. Having regard to the aforesaid facts the learned counsel for the applicant submits that the necessary direction may be issued to the respondents to consider his representation, and on taking into consideration of the relevant materials. In view of the submission it is just and proper to direct the respondents to pass appropriate speaking order in accordance with law and the rules on the representation submitted by the applicant within a period of three months from the date of receipt of a certified copy of this order.



However it is made clear that all the contentions of the parties are left open.

4. In view of the above directions this OA is disposed of. No Costs.



Member-J

/ns/