

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD

(THIS THE 24th DAY of August, 2011)

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

Original Application No.1518 of 2004
(U/S 19, Administrative Tribunal Act, 1985)

Mahangu S/o Late Bakshi Mian R/o Kassab Mohal Mughalsarai,
District Chandauli.

..... Applicant

By Advocates: Shri S.K. Day
Shri S.K. Mishra

Versus

1. Union of India through the General Manager, E.C. Rly. Hajipur.
2. The Divisional Rly. Manager E.C. Rly. Dhanbad.
3. The Chief Personnel Officer E.Rly. Kolkatta.
4. The Catering Inspector I Diening Car E. Rly. Howrah.

..... Respondents

By Advocates: Shri K.P. Singh

ORDER

(Delivered by Hon. Mr. A.K. Bhardwaj, Member-J)

The applicant has filed present O.A. making following prayer:-

- (i) That the Hon'ble Court may be pleased to retire him from service after invalidate him holding special medical examination.



- (ii) *That the respondents be directed to make payment his retirement benefits and pension.*
- (iii) *Any other relief or reliefs to which he is entitled may also be awarded to him.*

2. He had also filed O.A. No.1524 of 2003 praying therein for issuing direction to respondents to retire him from by declaring him invalid for further service. The prayer made by the applicant in said O.A. reads as under:-

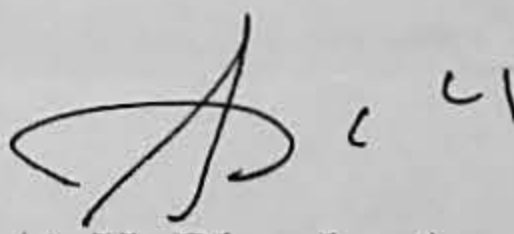
- (i) *To invalidate him for further service & to retire him since his Unfitness.*
- (ii) *To consider his son named Gulam Hayder for compassionate appointment in Group 'D' service.*

3. Aforesaid O.A. was disposed of by this Tribunal vide order dated 19.12.2003 with a direction to the respondents to dispose of the representation filed by the applicant with a reasoned order in accordance with law. Pursuant to the aforesaid order passed by Tribunal, respondents passed the order dated 09.09.2004 taking the stand that they had not received representations referred to in order dated 19.12.2003 passed by this Tribunal. However, the respondents have taken into account the representation enclosed Annexure A-1 to A-4 in O.A. No.1524 of 2003. While considering the said representation, Divisional Railway Manager, East Central Railway, Dhanbad could find that according to available record, the applicant

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was spared from the Office of Catering Supervisor, Dhanbad on 15.07.1986 in terms of letter dated 06.07.1986 and was directed to report for duty to Catering Inspector, Grade-I, Howrah. Having found so, the Divisional Railway Manager, Dhanbad disposed of the aforementioned representation of the applicant, taking a view that in backdrop of his transfer from Static to Mobile Catering Unit, issue of retirement could be dealt with in Zonal Headquarters Office of Eastern Railway, which is competent to take decision on representations.

4. In view of the aforementioned facts, it would be appropriate for me to direct the Divisional Railway Manager, East Central Railway, Dhanbad to forward the representations of applicant available as Annexure 1 to 4 in O.A. No.1524 of 2003 to Catering Inspector, Grade-I, Dining Car, Howrah, within two weeks from the date of receipt of copy of this order. The Catering Inspector, Grade-I, Dining Car, Howrah, would take up the matter with appropriate authorities for decision on said representation within one month. Final decision would be taken by the respondents within two months thereafter. No costs.


(A.K. Bhardwaj)
Member-J

Sushil