

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 10th day of JANUARY 2005.

Original Application no. 1653 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. S.C. Chaube, Administrative Member.

Ekbal, S/o Aktar,
R/o Gopalpur P.O. Basant Nagar,
Chandauli.

... Applicant

By Adv : Sri S.K. Dey & Sri S.K. Mishra

V E R S U S

1. Union of India through the General Manager,
E.C. Rly., Hajipur, Bihar.
2. The Divisional Railway Manager, E.C. Railway,
Mughalsarai (Chandauli).

... Respondents

By Adv : Sri K.P. Singh

O R D E R

By Justice S.R. Singh, VC.

Heard Sri S.K. Mishra learned counsel for the applicant and Sri K.P. Singh learned counsel for the respondents.

2. It appears that the applicant was removed from service vide order dated 15.09.1992. Appeal preferred against the said order came to be rejected on 18.09.1995. By order dated 24.4.1999, the General Manager directed reinstatement of the applicant with a rider that the period of absence from duty up to the date of joining will be treated as "dies-non" and he will get continuity in service.

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3. It appears that the applicant preferred a representation dated 13.8.1999 requesting the General Manager, E.C. Railway, Mughalsarai to treat the period of absence as period spent on duty. His wife also preferred a representation dated 08.08.2003, which appears to have been forwarded vide letter dated 19.03.2004 to the Divisional Railway Manager, E.C. Railway Mughalsarai. Since no decision was taken on his representation the applicant preferred OA no. 697 of 1994 which came to be disposed of finally vide order dated 23.07.2004 with direction to the Divisional Railway Manager to decide the representation by his wife and forwarded by letter dated 19.03.2004 as expeditiously as possibly preferably within three months by a reasoned and speaking order. The Divisional Railway Manager, E.C. Railway, Mughalsarai has disposed of the representation preferred by the applicant as well as one preferred by his wife vide order dated 24.08.2004, which is the subject matter of this OA.

4. The Divisional Railway Manager, E.C. Railway, Mughalsarai vide its order dated 24.08.2004 has reiterated what was earlier held by the General Manager, E.C. Railway in his order dated 24.4.1999. The Divisional Railway Manager infact could not sit in appeal over the decision taken by the General Manager, E.C. Rly., vide order dated 24.4.1999. Since the earlier OA preferred by the applicant was disposed of with the direction to the Divisional Railway Manager, to decide the representation forwarded ~~by her~~ vide letter dated 19.3.2004. No exception can be taken ~~up~~ ² by the impugned order dated 24.8.2004 passed by the Divisional Railway Manager, E.C. Rly., Mughalsarai. It is now not open to the applicant to say that his representation ought to have been decided by the General Manager, E.C. Railway. We do not

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find any good ground for interference. The OA is dismissed accordingly.

5. There shall be no order as to costs.

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Member A

Ran
Vice-Chairman

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