

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 10th day of JANUARY 2005.

Original Application no. 1655 of 2004.

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

Lal Man Yadav, S/o P.C. Yadav,  
R/o Kunda Khurd P.O. Mughalsarai,  
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 Operating Manager, E.C. Rly.,  
Mughalsarai (Chandauli).
3. The Station Manager E.C. Rly.,  
Mughalsarai (Chandauli).
4. The Senior Divisional Operating 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. The applicant who claims to have been appointed to Group 'D' service vide order dated 15.12.1997 is aggrieved by the order of termination of his services. However, the order terminating his services has not been filed

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nor the date of the order has been mentioned in the OA. The grievance of the applicant is that he was neither served with the charge sheet nor the order of termination. Infact his grievance is that he ~~was~~ <sup>was</sup> never associated with the enquiry in the matter and, therefore, aggrieved by the alleged termination he preferred a representation dated 23.12.2003 (Ann A6).

3. The case of the respondents on the other hand is that the applicant had infact <sup>been</sup> ~~acknowledged~~ <sup>of</sup> the finding of the Enquiry Officer on 01.10.1999, but preferred no reply within time allowed by the Disciplinary Authority, whereupon by letter dated 17.12.1999 he was given one more chance to submit his <sup>then</sup> reply. Even/it is the case of the applicant that he did not submit any reply to the finding of the Enquiry Officer. In the circumstances Sri K.P. Singh, respondents counsel, submits that the applicant cannot ~~raise~~ <sup>raise</sup> any grievance against the order of termination, if any.

4. Having heard the learned counsel for the parties and upon regard being had to the facts and circumstances and the submission made by Sri S.K. Mishra the OA is disposed of with the direction to the Senior Divisional Operating Manager, E.C. Railway, Mughalsarai to consider and decide the applicant's representation dated 20.10.2002 and 23.12.2003 by a reasoned and speaking order within a period of three months from the date of receipt of copy of this order alongwith aforesated representations of the applicant. The applicant is permitted to implead Senior Divisional Operating Manager as respondents no. 4.

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5. The OA is disposed of in terms of the above direction.

6. There shall be no order as to costs.

*Shank*  
Member A

*P.G.J*  
Vice-Chairman

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