

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 1st day of September, 2004.

QUORUM : HON. MR. A. K. BHATNAGAR, J.M.

HON. MR. D. R. TIWARI, A.M.

O.A. No. 548 of 2004

Hemant Kumar Gupta, aged about 53 years, son of Late Budhu Lal, resident of 35-C/2, Jayantipur, Dhoomanganj, Allahabad.

.....

.....Applicant.

Counsel for applicant : Sri Alok Chatterjee.

Versus

1. Union of India through Divisional Railway Manager, North Central Railway, Allahabad.

2. Divisional Mechanical Engineer (O.P.), North Central Railway, Mechanical Branch, Allahabad.

3. Sri Rakesh Kumar Srivastava, Senior Section Engineer, North Central Railway, Loc-oshed, Allahabad.

.....

.....Respondents.

Counsel for respondents : Sri P. Mathur.

O R D E R (ORAL)

BY HON. MR. A. K. BHATNAGAR, J.M.

By this O.A. filed under Section 19 of the A.T., Act, 1985, the applicant has prayed for the following relief :-

- "A) To issue a suitable order or direction in the nature of Mandamus commanding the respondents to allow and permit the applicant to join and attend his duties with immediate effect.
- B) To issue a suitable order or direction in the nature of Mandamus commanding the opp. Parties to pay the salary of the applicant with all the arrears.
- C) To issue a direction to Opp. Party No.1 to institute an enquiry against the official who will be found guilty in not permitting the applicant to do his duties and who is responsible for non-payment of salary of the applicant without any order or direction of any competent authority.

The applicant was working on the post of Assistant

* Connected Vide
Order dated 25-11-04
passed in MA 4277/04
Df
AM 25.11.2004
2.
TM 25.11.04

Connected Vide
Order dated
25-11-04 passed
04MMA4277/04.
A.M. 25/11

Shunter
Diesel Driver. The grievance of the applicant is that in spite of the order dated 3.5.2002, issued by Divisional Mechanical Engineer addressed to Senior Divisional Engineer, Loco, Allahabad allowing the applicant to join his duties with immediate effect, one Sri Rakesh Kumar Se-ivastava, Senior Section Engineer is not allowing the applicant to join and perform his duties. Moreover, the applicant is not getting his salary since 1998 without any order. He has already sent representation regarding his grievance to the competent authority i.e. D.R.M., Allahabad but no action has been taken on the representation by the respondents so far. We have gone through Annexure-18, a letter dated 3.5.2002 which fortifies the submissions made by the applicant's counsel. Counsel for the respondents prayed for time for filing counter which we do not consider necessary. *As* This case can be decided at the admission stage itself by issuing a direction to the respondent No.2/Competent Authority to decide the representation dated 20.2.2004 filed by the applicant.

3. Accordingly, the O.A. is finally disposed of with a direction to Respondent No.2/Competent Authority to decide the representation of the applicant by a reasoned order within a period of three months from the date of receipt of a copy of this order. In the meanwhile the applicant is also directed to file a copy of the representation along with copy of this order for early decision in the matter.

No order as to costs.

A.M.
A.M.

J.M.
J.M.

Asthana/