

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.

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.....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.

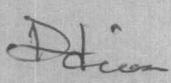
* Corrected Vide 2.
Order dated 25-11-04
Passed on MA 4277/04
Dated 25-11-04
AM 25.11.2004 TM 25.11.04

The applicant was working on the post of Assistant

Committed vide Diesel Driver. The grievance of the applicant is that
 Order dated 25-11-04 passed in spite of the order dated 3.5.2002, issued by Divisional
 OMMA 4277/04. Mechanical Engineer addressed to Senior Divisional Engineer,
 Diesel 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. 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.


 J.M.

Asthana/