

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 12th day of August, 2004.

Original Application No. 856 of 2004.

Hon'ble Mr. D.R. Tiwari, Member- A.

Uma Shankar S/o Som Datt, R/o Vill. Khek,
Post-Karui, Distt. Sahuji Maharaj Nagar.

.....Applicant

Counsel for the applicant :- Sri Alek Tripathi

V E R S U S

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager (Karmik), North Central Railway, Jhansi.
3. Divisional Engineer, DRM Office, North Central Railway, Jhansi.
4. Anubhag Abhiyanta, Rail Path Nirikshak, North Central Railway, Chitraket Dham, Karvi, UP.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R

By this O.A filed under section 19 of Administrative Tribunal Act, 1985, the applicant has prayed for issuance of direction to the respondents to consider his case for appointment and regularisation in accordance with the direction contained in the judgment dated 04.01.2001 passed in O.A No. 798/98. He has further sought for direction to the respondents to accept his application.

2. Pursuant to the direction contained in the judgment passed in O.A 798/98, it appears, the respondents have written to the applicant to fill up proforma and sent it to the competent authority latest by 30.09.2001 (Annexure- 4).

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Accordingly the applicant filled up preforma and sent it to the Anubhag Shiyanta, Rail Path Nirikshak, North Central Railway, Chitraket Dham (Respondent No. 4). However, the application alongwith envelope was not accepted and was returned back to the applicant with posta/remark 'अपने से इकार किया'. This is dated 25.09.2001. It is evident from the record that the application ~~was~~ reached the destination before the last date indicated in the letter. It appears very unusual that the application of the applicant has been returned without giving any reason which is clear because the envelope has not been opened. It is stated by the learned counsel for the applicant that before coming to this Tribunal the applicant has filed several representation to the authorities to know as to why his application has been rejected. However, he could not know the reason and he represented to the DRM, North Central Railway, Jhansi by letter dated 09.05.2003 (Annexure- 7). Thereafter he requested again by letter dated 25.02.2004 (A- 4) for consideration of his case but nothing appears to have been done.

3. Learned counsel for the respondents has opposed this O.A on the ground of delay. However, learned counsel for the applicant has filed delay condonation application in the court during the course of arguments. I have gone through the delay condonation application and find that the reasons shown in the application are genuin, therefore, the delay is condoned.

4. Learned counsel for the applicant has requested that the respondents be directed to consider and decide his representation so filed. Accordingly, the O.A is disposed of finally at the admission stage itself with a direction to the DRM, NCR, Jhansi Division (Respondent No. 2) to consider and decide the representation of the applicant within a period of three months by a reasoned and speaking order from the date of communication of this order. No costs.


Member- A.

/Anand/