

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALAHABAD BENCH, ALAHABAD**

Allahabad, this the **21st** day of **November**, 2013

Present :

Hon'ble Mr. Shashi Prakash, Member-A

Original Application No.09/2004

Chhotey Lal Sahu S/o late Babu Lal Sahu, 230A/1-
Sultanpur Bhawa Gahgaganj, Allahabad.

.....Applicants.

By Advocate – Shri Rahul Chaudhary

V E R S U S

1. Union of India through General Manager, North Central Railway, Nawab Yusuf Road, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad Division, Allahabad.
3. Senior Divisional Commercial Manager, North Central Railway, Allahabad Division, Allahabad.

.....Respondents.

By Advocate : Shri A. K. Pandey

O R D E R

Heard Shri Rahul Chaudhary, learned counsel for the applicant and Shri D. Tiwari holding brief of Shri A.K. Pandey, learned counsel for the respondents.

2. Learned counsel for the applicant contended that the applicant was working as Commission Vendor at Railway

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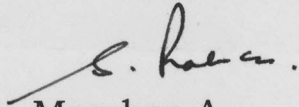
Station Allahabad since 1962 whereas his claim for regularization was not considered and he was not absorbed in time and his juniors were given the benefits. However, the applicant was allowed to continue to work till 04.12.2003 on which date the services of the applicant were discontinued for the reason that he had attained the age of 60 years. As on 04.12.2003, there was no policy of retirement of the commission vendors to retire at an age of 60 years and it was only w.e.f. 01.12.2005 that the policy in respect of the retirement of commission vendors was issued by the Railway Board. Accordingly, the retirement of the applicant on 4.12.2003 was not sustainable in the eye of law. In view of this fact the applicant sought benefit of Circular dated 5.6.1989 issued by Railway as well as Circulars dated 2.2.2011 and 3.3.2011 relating to functioning of the Commission Vendors. In this regard the applicant filed a representation dated 04.09.2013 claiming the transfer of vendorship in favour of his son.

3. Learned counsel for the applicant submitted that he would be satisfied if a direction is given to respondent No.2/3 to decide the pending representation of the applicant by passing a detailed and reasoned order in conformity with the relevant circular.

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4. Taking into account the submission made by learned counsel for the applicant, I hereby direct the respondent No.2/3 to decide the pending representation of the applicant dated 4.9.2013 by passing a detailed and reasoned order and keeping in view the provision of the policy and circulars dated 5.6.1989, 2.2.2011 and 3.3.2011 within a period of three months from the date of receipt of certified copy of this order.

5. With this direction, the OA is disposed of. No order as to costs.


Member-A

RKM/