

(4)

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.**

ORIGINAL APPLICATION NO. 1654 of 2005.

Allahabad, this the 9th day of March 2006.

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

Smt. Bachana Devi, W/o late Ram Lakhan, R/o Village
Gahasad, Post Sahajanawa, District Gorakhpur.

.....Applicant.

(By Advocate : Sri S.K. Bahadur)

Versus

1. Union of India through General Manager, North East Railway, Gorakhpur.
2. Divisional Railway Manager, North East Railway, Lucknow.
3. Chief Personnel Officer (Karmik), North East Railway, Gorakhpur.

.....Respondents.

(By Advocate : Sri A.K. Gaur)

ORDER

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

Through this O.A., the applicant has prayed for following reliefs:-

- "(1) To issue a writ, order or direction in the nature of mandamus commanding the respondents to make immediate payment of arrears of salary w.e.f. 01.01.2004 to 27.4.2004 along with other benefits admissible to the applicant like LAP, LHP, etc.
- (2) To issue any other suitable writ/order or direction which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case.
- (3) To award cost of the application to the applicant".

2. According to the applicant, she was appointed as Water Woman in North East Railway, Gorakhpur on 1.8.1973. She is stated to have served with the Department for about 32 years and superannuated on 31.7.2005. The grievance of the applicant is that she was posted as Hospital Attendant/Aya to Lalit Narain Mishra North East Railway Hospital, Gorakhpur vide letter dated 4.2.2004 (Annexure No.1). When

XV.



the applicant went to the said place, she was refused to give work as there was no vacancy. Vide order dated 8.4.2004, she was again posted as Hospital Attendant(HA) in the office of Director(Medical) Lalit Narain Mishra North East Hospital, Gorakhpur. Thereafter she was given joining on the said post on 28.4.2004. Learned counsel for the applicant submits that despite no fault of her, she has not been paid arrears of salary w.e.f. 1.1.2004 to 27.4.2004.

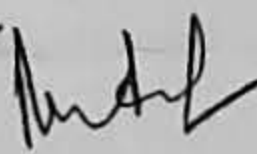
3. During the course of arguments, learned counsel for the applicant submitted that she has sent a representation to General Manager, North East Railway, Gorakhpur on 30.8.2005 (Annexure No. 6). Copies of which have already been sent to Divisional Railway Manager, North East Railway, Lucknow and Chief Personnel Officer, North East Railway Gorakhpur by registered post.

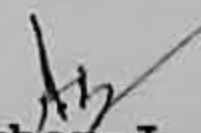
4. After hearing counsel for the parties, we are of the view that this O.A can be disposed of at the initial stage itself without calling for counter by issuing an appropriate direction to the Competent Authority and the interest of justice shall better be served if her representation is decided as per Rules.

5. Accordingly, we dispose of the O.A. by issuing a direction to the Competent Authority/Divisional Railway Manager, North East Railway, Lucknow to consider and decide the representation of the applicant sent on 30.8.2005 by a reasoned and speaking order within a period of 3 months from the date of receipt of a copy of the order under intimation to the applicant.

6. Copy of the order alongwith copy of the O.A. ment for respondents may be handed over to Sri A.K. Gaur counsel for the respondents.

No costs.


Member-A


Member-J

Manish/-