

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 17th day of January, 2005.

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

O.A. No. 34 of 2005

V.K. Upadhyay, S/O Shri R.P. Upadhyay, Dy. Station  
Superintendent, Naini, Allahabad..... ....Applicant.  
Counsel for applicant : Sri S. Mandhyan.

Versus

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. A.D.R.M., North Central Railway, Allahabad.
4. Senior Divisional Commercial Manager, North Central Railway, Allahabad.
5. Senior Divisional Operating Manager, North Central Railway, Allahabad..... ....Respondents.

Counsel for respondents : Sri A.K. Gaur.

O R D E R (ORAL)

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

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

- "i) to issue a writ, order or direction in the nature of certiorari quashing the order dated 4.11.2004 directing recovery of Rs.1,08,660/- @ Rs.3000/- per month from the salary of the applicant.
- ii) to issue a writ, order or direction in the nature of mandamus commanding the respondents not to give effect the order dated 4.11.2004."

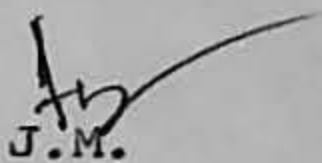
2. The applicant is aggrieved by the order dated 4.11.2004 (Annexure A-1). Counsel for the applicant submitted that no show cause notice has been given to the applicant while issuing the letter of recovery dated 4.11.2004. Learned counsel has also submitted that he has filed an appeal provided in law against the punishment

order to A.D.R.M., North Central Railway, Allahabad (Respondent No.3), which is lying pending decision.

3. Learned counsel for the Respondents prayed for filing counter which I do not consider necessary at this stage as this O.A. can be disposed of finally by issuing a direction to the Respondent No.3 to decide the appeal of the applicant filed as Annexure A-5 by a reasoned order within a specified period of time.

4. Accordingly, the O.A. is disposed of at the admission stage itself with a direction to the Respondent No.3 to consider and decide the appeal of the applicant by a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order. It is further provided that till the decision of the appeal, no recovery shall be made in pursuance of the order dated 4.11.2004.

No costs.

  
J.M.

Asthana/