

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
(THROUGH VIDEO CONFERENCING)**

Original Application No. 332/000211/2021

Date of Order: This, the 13th day of August, 2021

HON'BLE MR. A MUKHOPADHAYA, MEMBER (A)

1. All India Guards Council through its Working President, Shri Anil Kumar, Address:- 4718, Head Office, New Delhi.
2. Ritesh Sharma, aged about 42 years, S/o Late Shri S.K. Sharma, Posted as Guard at Lucknow Junction, R/o- 10/73, Indira Nagar, Lucknow.
3. Mohd Imran, aged about 42 years, S/o Shri Mohd Hasan, R/o-Satai Purwa, Gonda.
4. B.J. Asthana, aged about 59 years, S/o Shri B.P. Asthana, R/o-963-A, Manas Nagar, Near Gol Khirki, Krishna Nagar, Lucknow.



..Applicants

By Advocate: Shri Praveen Kumar.

VERSUS

1. UNION OF INDIA through the General Manager, North Eastern Railway, Gorakhpur.
2. The Principal Chief Operating Manager, North Eastern Railway, Gorakhpur.

3. The Chief Freight Traffic Manager, North Eastern Railway, Gorakhpur.
4. The Chief Electrical Loco Engineer, North Eastern Railway, Gorakhpur.
5. The Divisional Railway Manager, North Eastern Railway, Ashok Marg, Lucknow.
6. The Divisional Railway Manager, North Eastern Railway, Izzat Nagar.
7. The Divisional Railway Manager, North Eastern Railway, Varanasi.



The Chief Commissioner of Railway Safety, North Eastern Railway, Ashok Marg, Lucknow.

The Chairman & CEO of Railways, Ex-Officio Principal Secretary to Govt. of India, Ministry of Railways, Rail Bhawan, New Delhi.

.....Respondents

By Advocate: Shri Sharad Chandra Shukla.

O R D E R (ORAL)

Heard both learned counsels for the applicants as well as for the respondents.

2. At the outset, Shri Praveen Kumar, learned counsel for the applicants, while referring to the

judgment/order dated 26.02.2021 of the Patna Bench of this Tribunal in OA No. 148/2021-Rabindra Upadhyay v. UoI & Ors, and judgment / order dated 07.07.2021 of the Cuttack Bench of this Tribunal in OA No. 151.2021 -Chhanda Charan Salma & Ors., (Annexure A-10 refers), submitted that since those OAs have addressed the identical issue, he would be satisfied if a similar order is passed in this case. In this connection, applicant's counsel sought leave of the Tribunal to submit a fresh representation incorporating all new developments in the matter within a period of two weeks to the respondents, and prayed that thereafter, the respondents may be directed to consider and dispose of this representation within a reasonable timeframe.



3. At this, Shri Sharad Chandra Shukla, learned counsel for the respondents, while pointing out that the respondents had already filed their objections on the maintainability of the OA, submitted that in case a fresh representation of the applicants is to be decided in the manner suggested, a period of at least two months would be required for this.

4. Looking to the aforementioned position and the limited nature of the plea made by the learned counsel for the applicants, I deem it appropriate, without entering into the merits of the case, to dispose of this OA

at this stage itself, with a direction to the applicants to file a fresh comprehensive representation in this matter before the respondents within a period of two weeks from today. In the event of such a representation being filed within the stipulated period, the respondents shall consider and decide the same in accordance with law, by way of a reasoned and speaking order, within a further two months of receipt of the representation.

5. Original Application is disposed of accordingly. Linked MAs also stand disposed of accordingly.
6. There will be no order on costs.



(A.MUKHOPADHAYA)
MEMBER (A)

JNS