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Central Administrative Tribunal, Allahabad.

Registration M.A. No. 1986
IN

Registration O.A.No. 254 of 1986.

Ram Bilas Prasad Singh Applicant
Vs.

General Manager, North
Eastern Railway and others... Respondents.

Hon. D.S.Misra, AM
Hon. G.S.Sharma, JM

(By Hon. G.S.Sharma, JM)

This restoration application against the order dated 10.6.1986 passed by this Bench summarily rejecting O.A.No.254 of 1986 on the ground that it was pre-mature was moved by the applicant on 25.8.86. It is alleged that the applicant was not informed of the date of hearing and only on receiving the copy of the order dated 10.6.1986 sent by the Registry, he knew on 23.7.1986 that his application has been rejected on the ground that it was filed before the expiry of 6 months from 20.3.1986, the date of his making the representation to the department. The applicant had appeared before us in person and it was contended by him that as the period of 6 months has expired in the meantime, his application be admitted now after setting aside the order of rejection and in case he is required to file a fresh application, he will have to incur the expenses again. The application is opposed on behalf of the respondents.

2. We have carefully considered the contention of the applicant and have perused the record. The

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application under section 19 of the Administrative Tribunals Act XIII of 1985 filed by the applicant was against the order dated 13.2.1986 refusing pay and allowances to him for certain period on his reinstatement after setting aside the order of removal from service passed earlier. The impugned order dated 13.2.1986 had considered the period of absence of the applicant from duty into 20 parts treating one period separate from the other for the purpose of pay or ~~accounting~~ the same towards ~~the~~ duty or leave without pay etc. The applicant also wanted his promotion from an earlier date instead of the date on which he was promoted. The applicant had already made a representation on 20.3.1986 against the order dated 13.2.1986. It was for the department to consider the contention of the applicant in respect of each period separately and as the applicant has already availed of the opportunity of filing ~~of~~ the representation, we were right in treating his application premature having been filed before the expiry of 6 months from the date of his making representation. The order passed on 10.6.1986 though in the absence of the applicant was, thus, fully in accordance with law and the application having been rejected not on the basis of default but on the basis of its being premature, we find no good ground either to

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review our order or to restore the case. The application is accordingly rejected.

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Member (A)

Sharma
21/11/86
Member (J)

Dated 21.11.1986
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