

5 82

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD.

Original Application No. 36/93.

THIS THE 22ND DAY OF SEPTEMBER, 1994

HON'BLE MR. JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.
HON'BLE MR. K. MUTHUKUMAR, MEMBER (ADMN.)

Naudhari,
Luthur, Mohalla Jatapur
(Northern), Dhobi Gali,
Post Basarapatpur,
District Gorakhpur.

::::: Applicant.

BY ADVOCATE SHRI PIYUSH MISHRA

vs.

1. Union of India,
through General Manager,
Railways, Lucknow.
2. Deputy Secretary,
Railways Directorate of
Public Grievance,
Cabinete Secretariat,
Sardar Patel Bhavan,
New Delhi-110 001.
3. General Manager (Worksmen),
North-Eastern Railways,
Gorakhpur.
4. Commercial Manager,
N.E. Railways,
Gorakhpur.

:::::: Respondents.

(None for respondents)

ORDER (oral)

JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.

We have heard the learned counsel for the applicant.
The applicant seeks quashing of order dated 8-5-1992, copy of which
is annexed as Annexure-1. By the said order the Chief Personnel

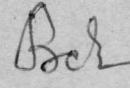
Officer, N.E. Railways, in reply to his representation dated 31-12-1991 preferred by the applicant, has simply indicated that the copy of the Hon'ble High Court's judgment dated 7-3-1991 furnished by the applicant is incomplete. The applicant was, therefore, required to furnish a fresh full copy of the High Court's judgment. A copy of the High Court judgment has been annexed as Annexure No. III. In the penultimate paragraph of the said judgment it has been indicated :-

"

If he applies for getting back his job
he should not be treated ? "

The learned counsel for the applicant earnestly urges that keeping in view the context and the observations made above in the said sentence, evidently the word 'differently' is missing after the word 'treated'. That may be so. The remedy of the applicant is not before us. He cannot seek quashing of order dated 8-5-92, of the Chief Personnel Officer in reply to his representation dated 31-12-91 approaching this Tribunal. He should have got the complete timely order passed by the High Court and he should have furnished the same before the authority. The directions contained in the order dated 8-5-92 does not deal with any service matter and this O.A. is not maintainable under section 19 of the Administrative Tribunals Act. The O.A. is completely misconceived and it is, therefore, dismissed summarily.


(K. MUTHUKUMAR)
MEMBER (ADMN.)


(B.C. SAKSENÄ)
VICE-CHAIRMAN.

(nair)