

OPEN COURT

**Central Administrative Tribunal Allahabad Bench
Allahabad.**

ALLAHABAD THIS THE 15th DAY OF DECEMBER, 2008.

ORIGINAL APPLICATION NO 76 OF 1999

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)
Hon'ble Mrs. Manjulika Gautam, Member (A)

1. Gul Hasan S/o Shri Mohammad Israll, R/o 182 B/10-K/1, ADA Colony, Kasari Masari, Rajrooppur, Allahabad.
2. Hashim Ali S/o Nanhey Khan, R/o 33, Nizami Basti, Tundla Agra.
3. Vijai Kumar Khullar, S/o late Om Prakash Kullar, R/o 182 B, Balaipur Loco Colony, Allahabad.
4. Mohammad Iqbal S/o Shri Abdul Gaffar, R/o 33, Nizami Basti, Tundla, Agra.
5. Mohammad Khaleel S/o Late Mohammad Saifi, R/o Manta Road, Tundla, Agra.
6. Noorul Hasan S/o Shri Mohammad Israll, 182 B/10-K/1, ADA Colony, Kasari Masari, Rajrooppur, Allahabad.
7. Ram Prakash S/o Shri Leela Dhar, R/o Line Par, Tundla Agra.
8. Shamim Khan S/o Shri Rahman Khan, R/o 870-A, Dariyabad, Allahabad.
9. Sunil Kumar Singh S/o Shri Jagdish Singh, Labour Office, Allahabad Junction Station Northern Railway, Allahabad.

.....Applicants

By Advocate: Shri Amrendra Kumar Srivastava

Versus

1. Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi.
2. General Manager, Northern Railway, Baroda House, New Delhi.
3. Divisional Rail Manager, Northern Railway, Allahabad Division, Allahabad through its Secretary, Railway Sahkari Shram Samvida Samiti Limited, Tundla.

.....Respondents

By Advocate: Shri G.P. Agrawal

[Signature]

ORDER
Delivered By Hon'ble Mr. Justice A.K. Yog, Member (J)

Heard Shri Amrendra Kumar Srivastava, Advocate appearing for the applicant and perused the pleadings contained in the O.A.

2. We find 9 applicants in this OA raising grievance that they have not been considered for regularization in service as per judgment of Supreme Court, copy which is Annexure A-3 to the O.A.

3. In this contest, learned counsel for the applicant referred to be purported-representation dated 15.3.1996/Annexure A-4 to compilation II.

4. Controversy raised by the applicants cannot be adjudicated unless finding/s arising out of relevant facts are ascertained from original record, which is in the possession of the Departmental Authorities.

5. Applicants in this O.A. have claimed order in the nature of writ of mandamus. It is well settled that before aggrieved person approach Tribunal/Court for writ of mandamus, he should approach the concerned authority first and if he is aggrieved by order of said authority, then only he can approach the Tribunal/Court for writ of mandamus.

6. Accordingly, we direct the applicant to file certified copy of the order alongwith comprehensive representation and O.A (with



3.

all Annexures) before respondent No. 3/ Divisional Rail Manager, Northern Railway, Allahabad Division, Allahabad through its Secretary, Railway Sahkari Shram Samvida Samiti Limited, Tundla within 4 weeks from today and the said respondent, if representation is filed as contemplated and stipulated above, shall decide the said representation in accordance with law by passing reasoned/speaking order exercising its unfettered discretion on the basis of record available before him within 02 months from the date of receipt of certified copy of the order (as indicated above). Decision taken shall be communicated to the applicants forthwith.

7. O.A stands disposed of finally without entering into the merit of this case at this stage.

8. No order as to costs.

Member (A)

Member (J)

Manish/-