

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 13th DAY OF January 2010)

***Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mrs. Manjulika Gautam, Member (A)***

Original Application No.1040 of 1999

(U/S 19, Administrative Tribunal Act, 1985)

Abdul Nasir, son of Shri Abdul Majid, R/o 88, Akbarpur, Allahabad.
..... ***Applicant.***

Versus

1. Union of India through the General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Allahabad.
3. Senior Divisional Personnel Officer, Northern Railway, Allahabad.

..... ***Respondents***

Present for Applicant : Shri Shyamal Narain
Shri T.S. Pandey
Shri V. Budhwar
Present for Respondents : Shri A.K. Pandey

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

We have heard Shri V. Budhwar, learned counsel for the applicant and Shri A.K. Pandey, learned counsel for the respondents.

2. Learned counsel for the applicant invited our attention to the fact that respondents have not decided the actual representation of the applicant and the reminder of the

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representation dated 30.6.1998 has been decided. While deciding the representation of the applicant, paragraph 7 and 13 of the judgment rendered by Hon'ble Supreme Court in ***Anuradha Mukherjee's case reported in JT 1996 (3) Supreme Court page 576*** has not been considered.

3. Shri V. Budhwar, learned counsel for the applicant would contend that his grievance might be redressed if direction is given to the Concerned Competent Authority to consider and decide the representation of the applicant and pass appropriate, reasoned and speaking order in the light of paragraphs 9 and 13 of the decision rendered by Hon'ble Supreme Court in Anuradha Mukherjee's case (supra) and guidelines of the Hon'ble Apex Court and take all other necessary points in consideration.

4.. In view of our aforesaid observations, we partly allow the OA, quash and set aside the order dated 26.12.1996 and 9.10.1998 (Annexure A-I and A-II) passed by the respondents and remit the case back to the Concerned Competent Authority to reconsider the entire case in the light of aforesaid decision within a period of three months from the date of receipt of copy of this order. No order as to costs.


Member-A

Manish/-


Member-J