

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 11th day of **July, 2008**.

**HON'BLE MR. N.D. DAYAL, MEMBER- A
HON'BLE MR. ASHOK S. KARAMADI, MEMBER- J.**

ORIGINAL APPLICATION NO. 770 OF 2002

Sri Naresh Mishra, S/o Late P.L. Mishra,
R/o 512/4, Chhota Rai Ganj, Sipari Bazar, Jhansi.

.....Applicant.

VE R S U S

1. Union of India through General Manager,
Central Railway, Mumbai CST.
2. Chief Personnel Officer, Personnel Branch,
Mumbai, CST.

.....Respondents

Present for the Applicant: Sri B. Tiwari

Present for the Respondents : Sri K.P. Singh

OR D E R

BY HON'BLE MR. N.D. DAYAL, A.M.

Learned counsel for the applicant submits that the applicant is aggrieved because the respondents while considering the case of the applicant for selection have not granted the marks, which they should have given for record of service because they have not given one mark for each cash award/merit certificate received by the applicant in the previous three years and instead vide their impugned order, relying on

Railway Board instruction of 1999 as well as advancing other grounds have rejected the claim of the applicant.

2. The applicant has been serving for 11 to 12 years and is now facing civil consequences as result of such decision. It is, therefore, prayed that if the applicant is given an opportunity of personal hearing before the competent authority to place his case, the applicant would be satisfied. It is therefore, submitted that the Tribunal may give suitable direction to the respondents in this regard. Learned counsel for the respondents submits that the relevant orders and instructions have been followed by the respondents in deciding the applicant's case but in case, the Tribunal so directs, the competent authority would give him fair hearing and also pass appropriate order thereafter.

3. In view of the above, liberty is granted to the applicant to report to respondent No. 2 on 29.07.2008 at 11.00 AM. Upon the applicant reporting to him, the respondent No. 2 shall arrange for the applicant to put forward his case with necessary details taking such grounds as he considers appropriate as also arrange for a personal hearing as requested by applicant before the General Manager, North Central Railway, Allahabad on the same day or on another suitable date within two weeks thereafter. The applicant shall have further liberty to place his case also in writing before the respondent No. 2, who shall pass it on to the General Manager, who shall in turn pass appropriate orders within a period of one month from the date on which the personal hearing is granted and communicate the same to the applicant within one week thereafter.

4. With the above observation, the O.A is disposed of with no orders as to costs. It is made clear that we have made no observation on merits of the case.



MEMBER (J)



MEMBER (A)

/Anand/