

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 15th day of November 2002.

Original Application no. 1146 of 2002.

Hon'ble Maj Gen K K Srivastava, Member, A.

1. Diwakar Gupta, S/o late Shri D.N.S. Gupta,
R/o 385 Pratap Pura, Jhansi.
2. Liladhar, S/o late Sri G.N. Bhatt,
R/o Railway Colony, Sipri Bazar,
Jhansi.
3. R.B. Singh, S/o late Shri Raghubans Singh,
R/o 1157/1-A, Khati Baba, Jhansi.
4. B.C. Chaturvedi, S/o late R.R. Chaturvedi,
R/o 1157/1-A, Khati Baba, Jhansi.
5. Nand Kishore Pal, S/o Shri Badri Prasad Pal,
R/o 1157/1-A, Khati Baba, Jhansi.
6. T.D.P. Tiwari, S/o late Shri D.P. Tiwari,
C/o Base Kitchen, Central Railway, Agra Cantt.

.....Applicants

By Adv : Shri R.K. Nigam

Versus

1. Union of India through Secretary, Railway Board, Rail Bhawan, New Delhi.
2. General Manager, Central Railway, Mumbai CST.
3. Chief Workshop Manager, Central Railway Workshop, Jhansi.
4. Senior Divisional Accounts Officer, Central Railway, Jhansi.
5. Dy. Controller of Stores, Central Railway, Jhansi.
6. Workshop Accounts Officer, Central Railway Workshop, Jhansi.

... Respondents

By Adv : Shri K.P. Singh

O R D E R

Maj Gen K K Srivastava, Member A.

In this O.A., filed under section 19 of the A.T. Act, 1985, the applicants have prayed for quashing the impugned orders dated 21.12.2001 & 4.2.2002 by which the applicants, who are ex-servicemen and re-employed, are denied the facilities for travelling in first class which during

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their Army services they were enjoying.

2. By order dated 27.9.2002, the respondents were given four weeks time to file their counter affidavit, but no counter affidavit has been filed so far. The respondents counsel has prayed for further four weeks time to file counter affidavit. On perusal of record and letter dated 5.4.2002, issued by Dy. CAO(G) addressed to Dy. CPO (HQ) (Ann A9), I feel no useful purpose will be served by granting further time to the respondents for filing counter affidavit as ~~we are~~ ^{in I am} finally deciding the O.A. today itself.

3. I have perused the letter dated 5.4.2002 issued by Dy. CAO(G), FA&CAO's Office, Central Railway, Mumbai CST addressed to by Dy. CPO (Ann 9). It appears that the present controversy is a policy matter and requires Railway Board's decision. In the said letter it has been advised to refer the matter to the Railway Board under intimation to FA&CAO, Central Railway, Mumbai CST.

4. Shri K.P. Singh, learned counsel for the respondents submitted that it will be appropriate that the applicants represent to the General Manager (P), Central Railway, Mumbai for decision.

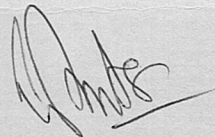
5. Heard learned counsel for the parties, considered their submissions and perused records.

6. I find that the decision of the General Manager (P) Central Railway, Mumbai has already been given by letter dated 4.2.2002 which has been impugned. Even, the Railway Board's decision dated 21.12.2001 is also placed on record (Ann 1), which has also been impugned. However, on perusal of FA&CAO's letter dated 5.4.2002 it appears that it is a later development and it gives impression that the issue is still not finally decided. I find substance in the submi-...3/-

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ssion of learned counsel for the applicant that the Railway Board has the power to include, modify, amend or delete or relax any of the provisions contained in Railway Servant (Pass) Rules 1986 and since there are no specific Rules with regard to the ex-serviceman, who are re-employed in their establishment, the same requires to be decided as a policy matter by the Railway Board. In my opinion, the ends of justice shall be better served, if the applicants file a detailed representation alongwith required documents before General Manager (P), Central Railway, Mumbai who should get the policy matter decided once for all in consultation with Railway Board.

8. In the facts and circumstances, the applicants are directed to file a representation before General Manager (P), Central Railway, Mumbai within a period of two weeks, which should be decided within a period of six months from the date of receipt of representation alongwith this order, in consultation with the Railway Board. The O.A. is decided accordingly with no order as to costs.



Member A.

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