

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.1132 of 2003.

Allahabad, this the 1st day of March, 2005.

Hon'ble Mr. A.K. Bhatnagar, J.M.

Nirankar Nath Agrawal,
Son of Late Sri K.B. Agarwal,
Resident of C-371,
Rajender Nagar, Bareilly.

.....Applicant.

(By Advocate : Shri B.B. Sirohi)

Versus

1. Union of India,
through General Manager,
East Central Railway,
Hazipur (Bihar).

2. Divisional Railway Manager,
East Central Railway,
Samastipur (Bihar).

....Respondents.

(By Advocate : Shri K.P. Singh)

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, J.M. :

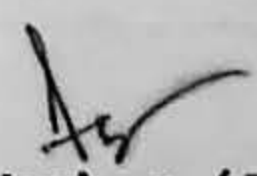
At the out set learned counsel for the applicant submitted that he is not pressing the relief No.1 as stated in Para 8.1 of the OA. So now he prayed for a direction to fix the salary of the applicant correctly and pay him arrears of salary and other allowances alongwith 18% interest and in the alternatively the respondent No.2 be directed to decide the representation of the applicant dated 2.1.2003 (Annexure-7) to the OA, as a fresh with speaking and reasoned order after given personal hearing to the applicant, within a specific period and accordingly refix and pay the difference of salary and other allowances and amend the PPO.

.....2.

2. The grievance of the applicant is that the impugned order dated 23.9.2002 (Annexure-6) which has been passed in compliance of the order dated 7.2.2002 passed in OA No.737/94 is not based on correct facts. The only arguments of the learned counsel for the applicant is that he has not been given any opportunity of hearing before passing the above mentioned order as directed in the order mentioned above and he will be satisfied, if the applicant is given an opportunity of personal hearing by respondent No.2, then consider and decide the representation dated 2.1.2003 (Annexure-7) of the applicant by a reasoned and speaking order.

3. Without going into the merit of the case, I am of the view that the ends of justice shall better be served if the applicant is given opportunity to file a fresh representation before respondent No.2 within a period of two weeks, if such representation is filed, the same may be decided within a specified period.

4. The OA is disposed of with liberty to the applicant to file a fresh representation before respondent No.2 within a period of two weeks from the date of receipt of copy of this order and in case it is filed, the same should be decided by a reasoned and speaking order within a period of three months from the date of receipt of copy of such representation alongwith copy of this order after giving personal hearing to the applicant. No costs.


Member (J)

RKM/