

OPEN COURT

**Central Administrative Tribunal Allahabad Bench
Allahabad.**

Allahabad This The 25th Day Of August 2008.

ORIGINAL APPLICATION NO. 275 OF 2003.

Present:

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

1. Abdul Khalik S/o Sheru Shah R/o House NO. 11, Ismile ganj, Fatehpur.
2. Ishhaq son of Sheru Shah R/o House No.11, Ismileyganj, Fatehpur.
3. Ramjan s/o Riyazul Hashan All R/o Mohalla Ismailganj, Fatehpur.
4. Abdul Khalik S/o Bhaggu, R/o Village Semaur, P.O. Ghajipur, Fatehpur.
5. Mugsaddar Ali S/o Mohmmad Sharif, R/o Village Andauli, Fatehpur.
6. Rafiddin S/I Imamuddin, R/o Mohalla Bakarganj, Fatehpur.
7. Naseem S/o late Maqsood R/o Kal Mohammadpur, Fatehpur.
8. Shyam Babu S/o Girdhari Lal, R/o 126, Rail Bazar, Fatehpur.

.....Applicants

By Advocates: Shri C.P. Singh/Shri A.K. Dave.

Versus.

1. Union of India through its General Manager, North Central Railway, Head Quarter Office Allahabad.
2. Divisional Railway Manager, Division Allahabad, North Central Railway, Allahabad.
3. Station Superintendent Fatehpur, Division Allahabad, North Central Railway.

.....Respondents

By Advocate: Shri P.N Rai

[Signature]

O R D E R

Heard Shri A.K. Dave, Advocate, counsel for the applicant and Shri P.N Rai, Advocate, counsel for the respondents.

2. This O.A. is 'Delay Condonation Application'. No counter/objection has been filed on the delay condonation application. Delay condonation Application is allowed.

O.A. shall be treated to have been filed within prescribed period of limitation.

3. Considering the nature of grievance raised through this O.A. under section 19 of Administrative Tribunal Act 1985 before this Tribunal, I am of the considered view that the grievance of the applicant can be expeditiously examined and adjudicated by the Departmental Authorities who can conveniently examine original record before it and determine questions of fact-essential to decide the issues in hand.

4. The applicants (Eight in Number) seek absorption/regularization over posts in group 'D'/Class IV category in view of certain scheme/s enforced by the Respondent from time to time. Applicants claim that they were eligible but arbitrarily ignored.

5. Respondent Authority is required to examine facts of each Applicant separately, his eligibility (i.e. age,

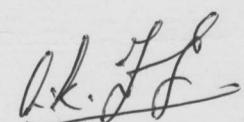
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qualification, physical fitness etc) as may be required under relevant scheme, if any, applicable to the Applicant in question.

6. In view of the above, I direct the applicants to file separate representation for each of them giving requisite details (as may be required) before respondent NO.2/ Divisional Railway Manager, North Central Railway, Allahabad within 4 weeks from today alongwith certified copy of this order and the said Authority, within two months of receipt of a certified copy of the order (provided it is filed as contemplated above within the stipulated period), shall pass a reasoned/speaking order on the basis of relevant record before it in accordance with relevant statutory Rules, Circulars, Guidelines etc, exercising unfettered discretion. Decision taken shall be communicated to the Applicant forthwith.

7. The O.A. stands finally disposed of, subject to the above observation.

8. No order as to costs.


Member (J)

Manish/-