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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 05th day of November, 2003.

Original Application No. 381 of 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.  
 Hon'ble Mr. D.R. Tiwari, Member-A.

V.K. Chaterjee S/o Sri Pachu Ram Chaterjee  
 R/o 65/2, Vidyapeeth Block Road, Varanasi.

.....Applicant

Counsel for the applicant :- Sri S.K. Om

V E R S U S

1. Union of India through the General Manager,  
 North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager (Personnel),  
 North Eastern Railway, Varanasi.

.....Respondents

Counsel for the respondents :- Sri D.C. Saxena

O R D E R

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A filed under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the order dated 15.03.2002 by which his representation has been decided in pursuance of the order of this Tribunal dated 03.12.2001 passed in O.A 769/2001.

2. Sri S.K. Om, learned counsel for the applicant has submitted that in the impugned order it has been incorrectly observed that the applicant had been declared surplus in the year 1995. It is submitted that the applicant was declared surplus in the year 1993. Factual mistake is also pointed-out with regard to refusal of the applicant to join on promotion <sup>of</sup> first at Samastipur and second time at Sonepur. It is submitted that the aforesaid mistakes have been challenged before the

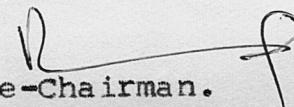
authorities concerned by making representation on 27.03.2003 a copy of which has been filed as annexure- 6. It is further submitted that the representation has not yet been decided.

3. As the factual mistake pointed-out by the learned counsel for the applicant are very material for deciding the controversy, in our opinion, respondents may be directed to decide the representation with liberty to applicant to challenge the order passed on his representation, if he remains dis-satisfied.

4. The O.A is accordingly disposed of finally with direction to respondent No. 2 to consider and decide the representation of the applicant dated 27.03.2003 within a period of three months from the date a copy of this order is filed. The applicant will have liberty to challenge the order, if he remains dis-satisfied by the order passed on his representation.

5. There will be no order as to costs.

  
Member- A.

  
Vice-Chairman.

/Anand/