

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO. 421/03

MONDAY, THIS THE 28th DAY OF APRIL, 2003

HON. MRS. MEERA CHHIBBER, MEMBER (J)

Tej Kumar Singh Bishnoi,  
s/o Sri Gobind Prasad Singh,  
r/o 519/132-5  
Rishi Cottage Varuna Bridge,  
Varanasi.

.....Applicant.

By Advocate:- Shri Narendra Mohan

Versus

1. Union of India through  
General Manager Northern Railway,  
Baroda House,  
New Delhi.
  2. F.A & C.A.D. Northern Railway (Pension)  
Baroda House,  
New Delhi.
- ..... Respondents.

By Advocate:- Shri A.K.Gaur

O R D E R

By this O.A applicant has sought & following  
reliefs:-

- "(A) To issue writ, order or direction in the nature of mandamus commanding the respondents to disposed of the applicant's representation dated 7-12-2002 (Annexure 1 to the compilation no. 1 ) by speaking order.
- (B) To issue writ, order or direction in the nature of mandamus commanding and directing the respondents to issue an appropriate order regarding re-fixation of the pay of the applicant in accordance with the latest pension revision rules and also not to deduct Rs. 279/- p.m from the pension of the applicant."

2. Counsel for the respondents at the outset has



taken preliminary objection ~~to~~ the maintainability of this O.A by relying on the Judgment reported in 2001(3) ATJ 452 wherein it is held that an original application with a sole relief to direct the administration to consider and pass appropriate orders on the representation <sup>is B</sup> ~~was held to be~~ not maintainable. He has further submitted that even though in the body of O.A applicant has referred to the notice annexed at page 17 and the O.M dated 2.4.2002 but in the so called representation dated 7-12-2002 no reference has been made <sup>to</sup> ~~in~~ the said O.M at all. Neither applicant has annexed the O.M on which he wishes to rely nor the representation <sup>talks about</sup> ~~for the post~~ seeking benefit under the said O.M. Therefore, this O.A is absolutely mis-concieved and is liable to be dismissed.

3. I have heard both the counsel and perused the pleadings as well.

4. In the representation dated 7-12-2002 applicant has stated that he had retired on 28-2-1981. At that time his pension was fixed at Rs. 837/- per month. After commutation of Rs. 279/- per month his pension was fixed at Rs.5361/- only while his colleagues are getting Rs. 8000/- per month. Therefore, he has asked for <sup>B for with his colleagues B</sup> fixation of pension at Rs. ~~5361/-~~. There is neither <sup>in applicant's representation B</sup> any reference to O.M dated 2-4-2002 nor applicant's

B

counsel has been able to show me what ~~was~~ the contents of O.M dated 2.4.2002. Therefore, this O.A is absolutely mis-conceived and is not maintainable. The same is accordingly dismissed. However, liberty is given to the applicant to file an original application in case he has all the documents available with him and is able to show that his case <sup>within</sup> calls the O.M dated 2.4.2002.

5. <sup>reservation</sup> With the above ~~direction~~, the O.A is dismissed with no order as to costs.



Member (J)

Madhu/