

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD**

(THIS THE 24<sup>th</sup> DAY OF NOVEMBER, 2009)

PRESENT:

**HON'BLE MR. JUSTICE A. K. YOG, MEMBER (J)**  
**HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)**

**ORIGINAL APPLICATION NO. 494 OF 2003**  
(Under Section 19, Administrative Tribunal Act, 1985)

S. N. Pandey S/o late Sri K. K. Pandey, R/o 140, Pashupati Nagar, Naubasta, Kanpur.

.....Applicant.

By Advocates:- Shri B. Tiwari

Versus

1. Union of India through the, General Manager, North Central Railway, Allahabad.
2. Divisional Rail Manager, North Central Railway, Jhansi.

.....Respondents

By Advocate- Shri P. Mathur

**O R D E R**

(DELIVERED BY: JUSTICE A. K. YOG- MEMBER-JUDICIAL)

Heard learned counsel for the parties. Perused the pleadings and the documents on record.

2. The applicant/S. N. Pandey (alongwith 5 others) file O.A. No. 505 of 1997, which was decided vide final order dated 06.02.2001 wherein Respondents were directed to decide the representation of the applicant by passing a reasoned and speaking order (Copy of the order filed as Annexure-A-12/Compilation-2 to the present O.A.

*(Signature)*

3. The Concerned Competent Authority disposed of said representation by means of order dated September 10, 2001 Annexure-A-13/Compilation-2.

4. Being aggrieved the Applicant filed present O.A. No. 494 of 2003. Respondents have filed Counter Affidavit/Reply and therein they have annexed copy of Railway Board letter dated March 08, 2002 (Annexure-CA-1) to the Counter Reply.

5. In order to support their contention learned counsel for the respondents submitted that Railway Board letter dated February 28, 1997 has been withdrawn. There under the services of the applicant were denied on the ground of said Railway Board order dated February 28, 1997.

6. Learned counsel for the applicant, on the other hand submitted that the said Railway Board order dated February 28 1997 is not applicable to the applicant as it came into existence even after the applicant is being superannuated (i.e. 31.01.2002).

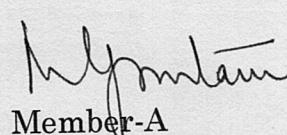
7. Beside the above, learned counsel for the applicant refers to the Apex Court Judgment in the case of *T. Vigian & Ors Vs. Divisional Railway Manager (P) & Ors 2000 SCC (Labour & Service) 444* (para 20) in order to support their contention that the period during which applicant worked on *ad-hoc* basis should not be ignored. Apparently this decision was not before the Concerned Authority while deciding the claim of the applicant.

W/

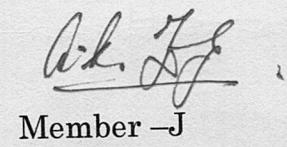
8. In the totality of the circumstances we are of the opinion, that the applicant should approached Concerned Competent Authority (namely, Divisional Railway Manager (P) North Central Railway Jhansi) by filing a Comprehensive Parawise Representation raising his all grievances (including the Judgment of Apex Court and High Court) and the said authority shall decide the same finally.

9. Consequently we direct the applicant to file a Comprehensive 'parawise representation' before Respondent No. 2/Divisional Rail Manager (P), North Central Railway, Jhansi within six weeks from today and the said authority shall decide the same as stipulated/contemplated above in this order within three months of receipt of the same, and if applicant is found entitle to the claim made in the representation the respondent shall ensure in the order, consequential benefits accorded to the applicant within a reasonable time including retiral benefits pension etc within 4 months, thereafter.

10. O.A. stands finally disposed of subject to the observations/directions made above.



Member-A



Member -J

/Dev/