

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.1395 of 2006

Allahabad, this the 31st day of July, 2009

Hon'ble Mr. A.K. Gaur, Member-J
Hon'ble Mr. D.C. Lakha, Member-A

1. Shri Paramjeet Kumar, Clerk-cum-Typist, Central Organization, RE, Allahabad.
2. Pankaj Malik, Clerk-cum-typist, Central Organization, Railway Electrification, Allahabad.

....Applicants.

By Advocate : Mrs. A. Basheer

V E R S U S

1. Union of India through General Manager (P), North Central Railway, Allahabad.
2. General Manager (P), Central Organization, Railway Electrification, Allahabad.
3. General Manager (P), Western Railway, Church Gate, Mumbai.
4. Divisional Railway Manager Personnel, Western Railway, Ratlam Division.
5. Chief Project Manager/RE/Surat.
6. Anil Kumar Vidyarthi Clerk-cum-Typist Core/RE, Allahabad.

...Respondents.

By Advocate : Shri J.P. Tripathi

O R D E R

By Hon'ble Mr. A.K. Gaur, Member-A :

We have heard Shri M.K. Upadhyay holding brief of Mrs. A. Basheer, learned counsel for the applicants and Shri J.P. Tripathi, learned counsel for the respondents.

2. Learned counsel for the applicants stated that vide letter dated 12.9.1992 (Annexure-A-7) the applicants had given their option for regularization in North Central Railway, Allahabad alongwith Shri Anil Kumar Vidyarthi. The request of Shri Anil Kumar Vidyarthi was accepted by the respondents and his lien has been maintained in North Central Raiwlay, Allahabad on 10.8.2006 (Annexure-41). Having aggrieved by the inaction of the respondents and in not accepting the request of the applicant, they preferred a detailed representation dated 7.9.2006 (Annexure-42 to the OA) to the competent authority and requested that their lien may also be maintained in North Central Railway, Allahabad in Clerical cadre. Vide Letter dated 15.9.2006, the General Manager (P) Central Organization Railway Electrification, wrote a letter to General Manager (P), North Central Railway, Allahabad that the action of railways in cancelling the lien of the applicants vide letter dated 31.5.2006 is contrary to the provisions of letter dated 15.10.2003. In the said letter, it is clearly mentioned that their lien should be maintained in North Central Railway and their representations were being forwarded for taking proper decision in the matter. Learned counsel for the applicants would contend that no decision has been taken by the competent authority after receipt of letter dated 15.9.2006.

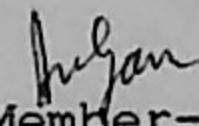
3. Having heard the parties counsel, we hereby direct the competent authority i.e. General Manger (P) North Central Railway, Allahabad to pass an appropriate

reasoned and speaking order on the representation of the applicants taking into account the letter dated 15.9.2006 (Annexure-43) within a period of three months from the date of receipt of copy of this order.

4. Be it noted that we have not passed the order on the merits of the case.

5. With the aforesaid observation, the OA is disposed of. No costs.


Member A


Member-J

RKM/