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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

ALLAHABAD, THIS THE 28th DAY OF FEBRUARY, 2006.

QUORUM : HON. MR. A.K. BHATNAGAR, J.M.

HON. MR. A.K. SINGH, A.M.

ORIGINAL APPLICATION NO.171 OF 2006

Baij Nath Yadav, Son of Shri Ghamu Yadav, at present posted as Cleaner Porter Kachhawa Road, N.E. Railway, Varanasi, Permanent resident of, Village Maruuchha Pipri, Post Office Shukul Bazar, District Ambedkar Nagar..... Applicant.

Counsel for applicant : Shri R.P. Yadav.

Versus

1. Union of India through its General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Varanasi.
3. Senior Divisional Operating Superintendent, N.E. Railway, Varanasi.
4. Assistant Operating Manager(C), N.E. Railway, Varanasi.

..... Respondents.

Counsel for Respondents : Sri A.K. Gaur.

O R D E R

HON. MR. A.K. BHATNAGAR, J.M.

The applicant has prayed for the following reliefs in this O.A. :-

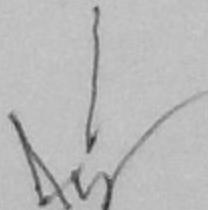
"1. Issue a writ, order or direction in the nature of mandamus commanding the respondents to release entire arrears of salary, illegally deducted by them from the pay of the applicant, in pursuance to the punishment orders which has been set aside by this Hon'ble Tribunal vide its order dated 7.4.2005.

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2. Issue a writ, order or direction in the nature of mandamus commanding the respondents to extend all consequential benefits illegally withheld in pursuance to punishment order referred to above at par with similarly situated employees forthwith without any further delay.
3. Issue any other and appropriate relief as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case to meet the end of justice.
4. award the cost of the present application throughout to the applicant."

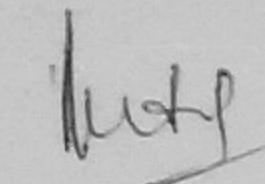
2. According to the counsel for applicant, the applicant was charge sheeted for unauthorized absence. Inquiry was conducted and the Disciplinary Authority imposed the penalty of reduction of pay from Rs.2840/- to 2550/- for a period of three years without cumulative effect. He filed an appeal which was modified by converting it to be W.I.T. for two years vide order dated 30.1.2001 against which he filed O.A. No.960/01 which was decided vide order dated 7.4.2005 partly allowing the O.A. by quashing and setting aside the order dated 30.1.2001 with liberty to the respondents to pass a fresh and reasoned order in accordance with rules. Accordingly, the respondents passed another appellate order dated 16.5.2005 by which the punishment imposed by order dated 30.1.2001 was cancelled. Thereafter, the applicant has filed a representation dated 24.8.2005 to the Respondent No.2 i.e. D.R.M., N.E. Railway, Varanasi which, according to him, is still pending for disposal. At this stage, counsel for applicant submitted that if the representation is decided by the Competent Authority in accordance with rules, the applicant will feel satisfied.



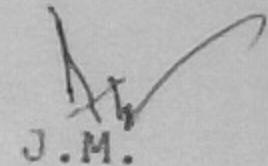
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3. After hearing counsel for the parties, we are of the considered view that interest of justice shall better be served if the representation, filed by the applicant (Annexure-6) dated 24.8.2005 is decided as per rules within a stipulated period. Accordingly, the O.A. is finally disposed of at the admission stage itself by issuing a direction to the respondent i.e. D.R.M., N.E. Railway, Varanasi to consider and decide the representation of the applicant by a reasoned and speaking order in accordance with law within a period of three months from the date of receipt of a copy of this order.

No order as to costs.



A.M.



J.M.

Asthana/