

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 26TH DAY OF August, 2011)

HON'BLE MR. A.K.BHARDWAJ, MEMBER (J)

**Original Application No. 546 of 2006
(U/S 19, Administrative Tribunal Act, 1985)**

1. Nibbu Lal, S/o Jaribandhan
2. Chunni Lal, S/o Sri Ram Saran.
3. Ram Bahadur, S/o Borai
4. Raj Mani, S/o Sri Har Prasad

The applicant No. 1 to 3 working as Trackman in Allahabad Division of Northern Central Railway under the Divisional Railway Manager Northern Central Railway Allahabad and presently working under the permanent way Inspector, Allahabad and Applicant No. 4 is also working under the Permanent Way Inspector Meja Allahabad.

..... Applicants

Present for Applicant : Shri M. K. Upadhyay, Advocate

Vs.

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. Divisional Superintending Engineer (III) North Central Railway, Allahabad.
4. Assistant Divisional Engineer,
North Central Railway, Mirjapur.

..... Respondents


Present for Respondents: Shri Anil Kumar, Advocate.

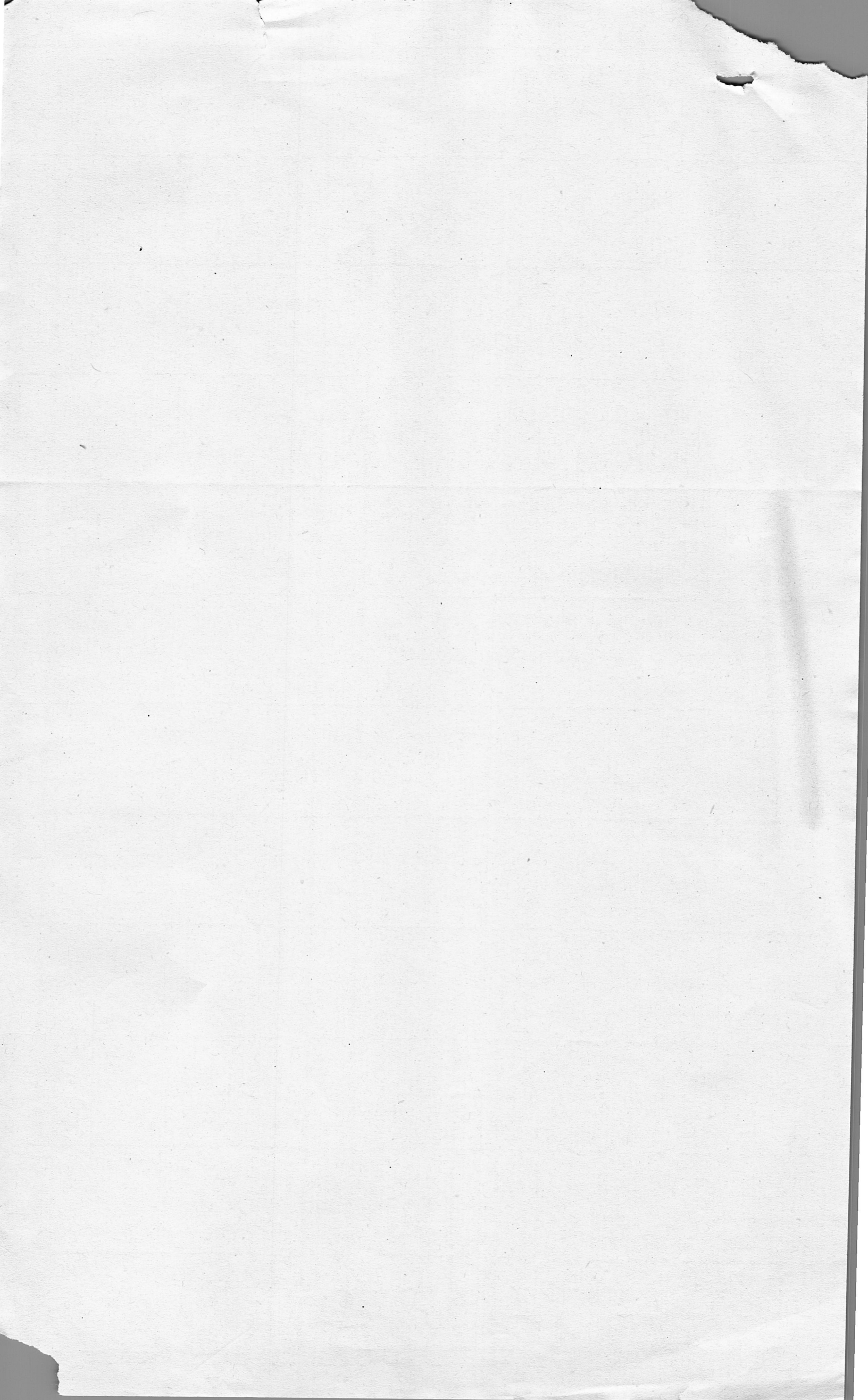
A

O R D E R

It is contended by Mr. M. K. Upadhyay, learned counsel for the applicant that respondents passed impugned order dated 06.2.2004 without following principles of natural justice. According to Mr. Upadhyay, respondents could not have treated the period of absence of applicants from service as leave without pay without giving them opportunity of hearing and presenting their stand before the competent authority. He placed reliance on decision of Hon'ble Supreme Court in the case of Prakash Ratan Sinha Vs. State of Bihar and others (2010) 1 SCC L&S 443.

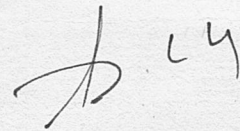
2. Mr. Anil Kumar, learned counsel present for respondents states that the representation dated 07.07.2005 preferred by the applicants (Annexure-11) against the order of treating the period of their absence from duty as leave without pay is still pending for consideration. He further, submits that the applicants have already taken their stand in the said representation and respondents would have no difficulty in deciding the same by detailed reasoned and speaking order within specific time lime. It is also contended by Mr. Anil Kumar that the said representation of applicants would also satisfy requirement of adherence to principle of natural justice.





3. In view aforementioned I deem it proper to dispose of present OA with direction to respondents' to decide representations dated 07.07.2005 made by the applicant (Annexure A/11), within two months. It is ordered accordingly.

4. OA disposed of. No cost.



(A.K. Bhardwaj)
Member (J)

Shashi