

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

(THIS THE 08TH DAY OF JULY 2009)

PRESENT

HON'BLE Mr. Justice A.K.Yog MEMBER (J)
HON'BLE Mr. D. C. Lakha MEMBER (A)

ORIGINAL APPLICATION No. 865 OF 2007.
(U/S 19, Administrative Tribunal Act, 1985)

1. Ajay Pratap Singh son of Late Udai Narain Singh R/o 1405, Awas Vikas Yojna, Panki, Kanpur.
2. Shiv Lal Singh son of Sri Saraswati Prasad Singh R/o, 11-F- Loco Colony, Allahabad.
3. Rama Kant Prasad son of Sri Ram Gopal Prasad, Q. No. 82, Subedar Ganj, Railway Colony, Allahabad.
4. Parmesh Kumar Singh son of Sri Subedar Singh presently posted as Pharmacist at Health Unit, Fazal Ganj, Kanpur.
5. Akhilesh Kumar son of Sri Ram Pal presently posted as Pharmacist at Health Unit, Juhi, Kanpur.
6. Santosh Kumar son of Sri R. K. Singh presently posted as Pharmacist at Central Hospital, North Central Railway, Allahabad.
7. Asif Ali son of Sri Haider Ali presently posted as Pharmacist at Health Unit, Railway Hospital, North Central Railway, Mirzapur.

Rep. by Advocate: Sri S. K. Pandey.

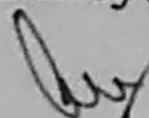
.....Applicant.

Versus

1. Union of India through its General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager, North Central Railway, Allahabad.
3. The Senior Divisional Personnel Officer, North Central Railway, Allahabad.
4. The Chief Medical Superintendent, North Central Railway, Allahabad.

..... Respondents.

Rep. by Advocate/s: Shri A. K. Pandey.



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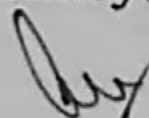
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ORDER

(Delivered By: Justice A.K. Yog, Member-Judicial)

Heard learned counsel for the Applicants, and Shri A. K. Pandey appearing on behalf of Respondents. Perused the pleadings and the documents on record of this O.A.

2. Applicants seek to challenge order dated 05.09.06/ (Annexure A-1/Compilation-1) and office order dated 14.08.07 (Annexure A-1-A (A/Compilation-1). The Applicants have claimed following relief/s:-

8. RELIEF SOUGHT:-

Besides the facts stated above, the applicant prays for following reliefs inter-alia amongst other following grounds:-

(i). *To issue a writ, order or direction in the nature of certiorari quashing the order-dated 05.09.2006 & 14.08.2007 (Annexure No. 1 & 1-A to the Original Application)*

(ii). *To issue a writ, order or direction in the nature of Mandamus commanding the respondents to promote the applicants to the post of Pharmacist Grade-II in the pay scale of Rs. 5000-8000/- w.e.f. 01.11.2003 with all consequential benefits including seniority and arrears of pay along with interest @ 18%.*

(iii). *Any other writ, order or direction which the Hon'ble Tribunal deems fit and proper in the circumstances of the case may also kindly be issued in the interest of justice.*

(iv). *Cost of the application may also be awarded.*

3. Representations (dated 02.05.05/29.06.05/ 13.06.06 and 17.7.06 indicated in the impugned order dated 05.09.06) were

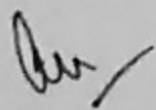
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submitted by Applicants Nos. 1,2,3 and 6 only. Applicants Nos. 4,5 & 7 are not in picture as far as said impugned order is concerned.

4. The Applicants are attempting to challenge above-referred impugned order on the ground that their grievance contained in representation/s (other than those mentioned in the impugned order) has not been decided.

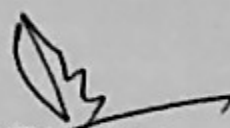
5. There is nothing to show that the facts and ground-now highlighted in this OA were placed and relied upon before Concerned Authority. Impugned order cannot be assailed by taking new facts into Account which were not brought to the notice of Concerned Authorities.

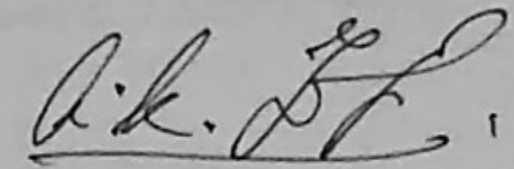
6. In the interest of justice, we direct Applicants Nos. 1,2,3, and 6 to approach Competent Authority for deciding their grievance provided they file a comprehensive parawise-representation alongwith certified copy of this order before Respondent Nos. 3/ The Senior Divisional Personnel Officer, North Central Railway, Allahabad within 6 weeks from today and the said Respondent No. 3 shall (provided above mentioned Representation is filed as contemplated above) decide it within 3 months by passing a reasoned/speaking order in accordance with law.



7. Parmesh Kumar Singh and Akhilesh Kumar Singh Applicants Nos. 4, 5 and 7 shall have no advantage/benefit of this order.

8. OA stands disposed of subject to above observations/directions. No costs.


MEMBER (A)


MEMBER (J)

/S.Verma/-