

V

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.155 of 1988

Date of decision: 8th Septmber, 1989.

Shri Murali Srichandan, S/o Lingaraj Srichandan
S.P.A.Puri Railway Station, At/P.O./Dist.Puri

.... APPLICANT

Versus

1. Union of India, represented through the Secretary Railway Board, Railway Bhawan, New Delhi
2. General Manager, South Eastern Railway, Garden Reach, Calcutta-43, West Bengal
3. Divisional Railway Manager, South Eastern Railway, Khurda Road, Puri
4. Divisional Personal Officer, South Eastern Railway, Khurda Raod, Puri.

.... RESPONDENTS

For the Applicant. M/s.D.S.Misra &
S.Moharana, Advocates

For the Respondents M/s.Bijay Pal, Senior Std.Counsel
Railway Adminstration &
O.N.Ghosh

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN
A N D
THE HON'BLE MR.N.SEN GUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgement ? Yes
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgement ? Yes.

:- JUDGEMENT :-

B.R.PATEL, VICE-CHAIRMAN

The facts briefly stated are that the applicant was a Diesel Engine Driver (Puri Railway Station). According to him he worked overtime from 1976 to 1979 and from 1.8.1979 to 18.8.84 and further from 27.10.84 to 30.4.86.

2. The Respondents in their counter have denied the claim of the applicant having worked overtime during this period mentioned above.

3. We have heard Mr. D.S. Misra, learned Counsel for the applicant and Mr. B. Pal, learned Senior Standing Counsel (Railway Administration) and perused the papers. Mr. D.S. Misra, submits that he has filed representations vide Annexure-1 and 2 before the Divisional Personnal Officer, S.E.Rly, Khurda Road on 20.10.86 and on 31.12.86 but as no action had ~~yet~~ been taken by the Authority, he has moved this Tribunal in this application.

According to provision of section 19 and ~~sub-section 4~~ of the ^{sub-section 4} ^{Part II} Act, where the application has been admitted by the Tribunal, every proceeding under the relevant serivce rules as to redressal of grievances in relation to the subject matter of such application pending immediately before such admission shall abate.

According to Mr. B. Pal, therefore, no action has been taken by the Competenent Authority pending disposal of the application by the Tribunal. But this provision further says that the Tribunal can issue direction to the Competenent Authority to dispose of the appeal or representation. Mr. Misra, therefore, submits that the Divisional Personnal officer should be directed by the Tribunal to dispose of the representation within a period of 2 months. This was also the alternative remedy prayed for in the application. We would, therefore direct that the

Divisional Personal Officer would dispose of the representation within a period of 3 months from the date of receipt of a copy of this order. Leave is granted to the applicant to approach the Tribunal in case the order on the representation is adverse.

The application is accordingly disposed of leaving the parties to bear their own costs.

D. Mohapatra
VICE-CHAIRMAN

Revised 89-89
MEMBER (JUDICIAL)

I agree



Central Administrative Tribunal
Cuttack Bench, Cuttack
8th September, 1989/Mohapatra

N.SEN GUPTA, MEMBER (JUDICIAL)