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O.A.NO.28 OF 2007

ORDER DATED 29.01.07

Heard Mr.A.Kanungo,Ld.Counsel for the Applicant and Mr.S.K.Ojha,Ld.Standing Counsel for the Respondents/Railways; on whom a copy of this O.A. has already been served.

2. The case of the applicant is that in O.A.No.842/06, the Tribunal has passed an order dated 07.12.06 wherein Res.No.4 has been directed to dispose of the pending representation within two months and it was made clear that it is open to the applicant to place any supporting documents before the Res.No.4 and if necessary, personal hearing may be given to the applicant. The Applicant has enclosed copy of letter (Annexure-4) received from Sr.D.E.E. (Res.No.5) wherein it has been stated that the Applicant has not reported for duty since 20.11.06. It has also been observed that the Applicant has been absconding from duty since 20.11.06. In the said order, he has been directed to join the duty at the earliest. Without doing so, the Applicant approached this Tribunal again, calling Annexure-4 as arbitrary, illegal and smarking malafide.

3. Since the Applicant has been given the opportunity by the Respondents to join to duty at the earliest, it is open to him to do so, and it is open to the Respondents to consider accepting him as per rules. If the Applicant has any grievance, he may place it before the

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Respondents who, I hope, shall consider it dispassionately and objectively.

4. In view of the above, this O.A. is disposed of at the admission stage.

5. Send copies of this order along with copies of the O.A. to the Respondents and free copies of this order be handed over to the Counsel for both the parties.

13/3/74
MEMBER(ADMN.)

