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O.A.No. 147 of 2009

Y.Prasad Rao Applicant
Versus
Union of India & Ors. Respondents

1. Order dated 09.04.2009.

C O R A M

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

....
Heard Mr. C.A.Rao, Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Respondents and perused the materials placed in support of the contentions raised in this Original Application.

It is seen from the record that the Applicant earlier approached the Calcutta Bench of the Tribunal by filing OA No.1443 of 2001 with the prayers made in this OA. It appears from the order of dated 30.01.2009 (Anneure-A/1) the Calcutta Bench of the Tribunal without going into the merit of the matter, dismissed the aforesaid OA filed by the Applicant on the ground of 'jurisdiction'. However, it was observed by the Calcutta Bench of the Tribunal that the time consumed in pursuing the matter before the said Bench may be excluded in considering the limitation period as per law.

It has been submitted by Learned Counsel for the Applicant that he does not like to pursue all the prayers made in this OA and seeks ^{to} ~~to~~ confine his prayer only to the extent of

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quashing of Annexure-A/6 in so far as the Applicant is concerned.

He also points out that his representation at Annexure-A/7 having been addressed to the authority in S.E.Railway need not be taken into account at this stage.

Learned Counsel for the Applicant submits that no representation has been made to the authority of the ECoRly before filing this OA. Accordingly, Learned Counsel for the Applicant submitted that liberty may be granted to the Applicant to submit fresh representation to the authority of E.Co.Rly and the latter may be directed to dispose of the same within a specified period taking into consideration the decision rendered in the case of Union of India and Others v CAT, Cuttack Bench, Cuttack, 2006 (Supp.I) OLR 449 and in the case of S.Govinda Rao and others v UOI and others, 2006 (Supp.I) OLR 453.

Taking into consideration ^{the} ~~all~~ totality of the matter, without going into the merit of this matter, this OA is disposed of at this admission stage with the following directions:

- (a) Liberty is granted to the Applicant to make fresh representation to the Respondent No.2 pointing out all details including rules and law in support of his stand within a period of four weeks;
- (b) On receipt of such representation, the Respondents shall consider and dispose of the said representation of the applicant within a period of eight weeks of receipt of the

same and communicate the result thereof to
the Applicant;

Send copies of this order to the Respondents along
with OA and free copies of this order be given to Learned
Counsel for both sides.


MEMBER(ADMN.)

