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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of order : 4.2.1998.

O.A.No. 225/1996.

Vikram Singh S/o Shri Laxmi Narain Ji aged about 35 years, R/o Sher Vilas Colony, In front of Air Force Officer Mess, Jodhpur (Presently working as Clerk in the Office of the Dy.Chief Engineer (Construction-I), Northern Railway, Jodhpur.

.... Applicant

Vs.

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Jodhpur.
3. The Chief Administrative Officer (Construction), Kashmiri Gate, Delhi.
4. The Deputy Chief Engineer (Construction-I), Northern Railway, Jodhpur.

.... Respondents

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HONOURABLE MR. A.K.MISRA, JUDICIAL MEMBER

CORAM :

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER
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Present : Mr. S.K.Malik, counsel for the applicant.
Mr. S.S.Vyas, counsel for the respondents.

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O R D E R

MR.A.K.MISRA, MEMBER (JUDICIAL) :

The applicant has filed this Original Application for regularisation basing his claim on the Circular issued by the General Manager, Northern Railway,


dated 11/15.02.1991 (Annex.A/2). The applicant has also filed representations dated 11.2.1996 (Annex.A/8) and 29.06.1996 (Annex.A/9) on the same basis which are said to be still pending before the authorities.


2. We have heard the learned counsel for the parties. From the record, it appears that the applicant has filed this O.A. without waiting for a reasonable period for disposal of the representations by the concerned authorities. The learned counsel for the respondents has argued that the O.A. is premature and applicant has not provided enough time to the authorities for consideration of the representations for final orders. However, he submits that because of the pendency of the O.A., the said representations are still pending and decision on those representations would have amount to the interference in the matter pending before the judicial forum. In this connection, it has also been argued that the case of the applicant for payment in higher grade was considered in 1992 (Annex.A/1) and on that basis ~~the~~ the regularisation, higher pay and post is requested. ~~Therefore,~~ The Circular dated 11/15.02.1991 is not applicable in the instant case.

3. At this stage, we would not like to go into the merits of the case as the matter is still under consideration of the concerned authorities. So far as the applicability of the Circular vis-a-vis the representations made by the applicant, ^{are concerned} there are similar cases in which regularisation is said to have been done by the different Divisions, but the same are said to be distinguishable as per the arguments advanced by the learned counsel for the respondents.

4. In our opinion, it would be reasonable to provide the administration an opportunity to consider the case of the applicant and similarly situated persons for regularisation and give their decision by a reasoned order for which necessary directions are required to be passed.

5. ^{heretofore}
We dispose of this Original Application with a direction that the respondents shall consider the representations of the applicant dated 11.2.1996 (Annex.A/8) and dated 29.6.1996 (Annex.A/9), within a period of three months from the date of communication of this order and pass reasoned speaking order in view of the Circular issued by the General Manager, Northern Railway, on the subject. In case, the applicant still feels aggrieved against the decision, he may file a fresh O.A. if so advised. The parties are left to bear their own costs.


(Gopal Singh)
Administrative Member


(A.K.MISRA)
Judicial Member

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j.r.m.