

131

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

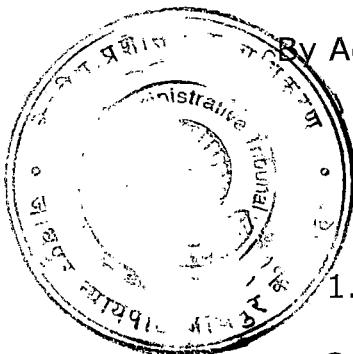
Original Application No. 281/2005

Date of order: 24.03.2008

**HON'BLE MR. M.L. CHAUHAN, MEMBER (J)
HON'BLE MR. R.R. BHANDARI, MEMBER (A)**

Bimal Kumar Jain S/o Shri A.P. Jain, aged about 56 years, resident of Quarter No. T-2/A, Railway Quarter, Railway Colony, Lal Garh Station, Bikaner (Raj.), at present working / employed on the post of Head Booking Clerk, North-West Railway, Bikaner (Raj.).

...Applicant.



By Advocate - Shri Y.K. Sharma.

VERSUS

1. Union of India through General Manager, North-West Railway, Jaipur (Raj.).
2. The Additional Divisional Railway Manager, North-West Railway, Bikaner Division, Bikaner (Raj.).
3. The Divisional Commercial Manager, North-West Railway, Bikaner Division, Bikaner (Raj.).
4. The Divisional Personnel Officer, North-West Railway, Bikaner Division, Bikaner (Raj.).

... Respondents.

By Advocate - Shri Vinay Jain.

**ORDER
Per Mr., M.L. Chauhan, Member (J)**

The applicant has filed this Original Application thereby praying for the following relief:

"(i) That this Hon'ble Tribunal may kindly be pleased to direct the respondents to pay wages which remained

unpaid as shown here-in-before and also to pay interest which have been claimed in Annexure-A/1.

- (ii) *That any other order(s) or direction may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.*
- (iii) *That the cost of this original application may also be awarded to the applicant."*

2. In sum and substance, the grievance of the applicant is that as many as in five cases, disciplinary proceedings were initiated against him. Ultimately, he was exonerated in four cases, whereas in one case minor penalty has been imposed against him. The grievance of the applicant is that on account of aforesaid harassment, the applicant has faced the financial loss and for that purpose he has claimed interest amounting to Rs. 80 to 85 thousand. For that purpose, the applicant has also issued a Notice under Section 80 – C.P.C. (Annexure A/1 to the O.A.).

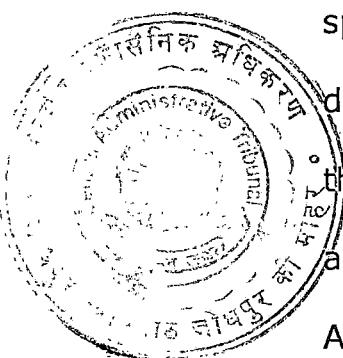
3. Notice of this Original Application was given to the respondents. The respondents have not filed reply.

4. We have heard learned counsel for the applicant. Learned counsel for the applicant submits that he will be satisfied if the direction is given to the respondents to decide his representation/notice issued under Section 80 – C.P.C. (Annexure A/1 to the O.A.) by passing speaking and reasoned order.

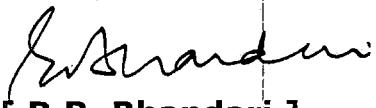
Yours



5. In view of the submissions made by the learned counsel for the applicant, we are of the view that it will be in the interest of justice, if the direction is given to Respondent No. 4 i.e. the Divisional Personnel Officer, North-West Railway, Bikaner Division, Bikaner (Raj.) to dispose of the so called representation / notice of the applicant by passing speaking and reasoned order. Accordingly, the respondent No. 4 shall dispose of representation / notice (Annexure A/1 to the O.A.) by passing reasoned and speaking order within a period of two months from the date of receipt of a certified copy of this order. In case, the applicant is still aggrieved, it will be open for him to approach this Tribunal by filing substantive Original Application.



6. With these above observations, the Original Application stands disposed of. No order as to costs.


[R.R. Bhandari]
Member (A)


[M.L. Chauhan]
Member (J)

nlk

R H Roy
31/10/08

Part II and III destroyed
in my presence on 01/12/14
under the supervision of
section officer (1) as per
order dated 19/8/2014

Section officer (Record)

BY
B.03