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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION No. 264/2007

Date of Order : October 11, 2007.

Jai Prakash Surolia S/o Shri Onkar Prakash Surolia, aged about 57 years, resident of Quarter No. T-59 G, Railway Colony, In front of Sohan Kothi, Bikaner at present employed on the psotof DCIT Bikaner Railway Station, NWR, Bikaner.

.....Applicant.

VS.

1. Union of India through General Manager, North Western Railway, Jaipur Zone, Jaipur.
2. Senior Divisional Personnel Officer, North Western Railway, Bikaner Division, Bikaner.

....Respondents.

Counsel for Applicant : Mr. J.K. Mishra, Advocate

CORAM :

HON'BLE MR. JUSTICE A.K.YOG, JUDICIAL MEMBER
HON'BLE MR.TARSEM LAL, ADMINISTRATIVE MEMBER

**ORDER (ORAL)
[PER JUSTICE A.K.YOG, JUDICIAL MEMBER]**

Heard learned counsel for the applicant.

The applicant claims certain pay scale without filing copy of relevant Circular / Rule etc. He has merely given its reference in Para 6 of the O.A. In our opinion, it is not sufficient.

Applicant/Petitioner has to stand on his own legs while making pleadings on fact and also file documents on which he places
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reliance in support of his claim. Learned counsel for applicant referred to order dated 19.7.2001 in OA No. 1522 of 1998 reported in 2002 (2) AJSL 230 – **G. Muthusamy Vs. The Divisional Personnel Officer, Southern Railway and Others.**

We have gone through this order and find ourselves in complete agreement with the ratio laid therein. However, said judgement is no authority to the preposition/submission of the applicant that this Tribunal must decide 'O.A.' on merit and that Tribunal has no power to direct a party to approach relevant authority before entertaining O.A. No prayer made, on behalf of applicant, to seek time to place complete copy of the Circular on record.

We are satisfied that 'substantial justice' require that pending representation be decided expeditiously.

We are not persuaded to hear this OA at this stage on merits in absence of relevant Circulars (full text). O.A. is accordingly rejected.

We find that applicant has already filed Representation dated July 3, 2007 (Annex.A/5) and, according to the applicant, it is pending. Rejection of this O.A. will not prejudice right/s of the applicant to pursue his said representation and get his rights/privileges – if any available in law, to get adjudicated.

Considering expediency in the matter, we direct the applicant to file a certified copy of this order (along with complete copy of this

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O.A. with all annexures as well as additional representation, if any,) within four weeks from today before the competent authority and the said authority shall exercise his unfettered jurisdiction without being prejudiced by our observations in this order and decide the said representation / additional representation on the basis of record before it taking into account relevant Act, Rules, Orders, and Circulars by a speaking order within three months of receipt of certified copy of the order and communicate the decision to the applicant forthwith.

The O.A. is disposed of accordingly subject to above observations and direction.

No order as to costs.

Kanew Lal
(Tersem Lal)
Admvt.Member

A.K.Yog
(A.K.Yog)
Judl.Member

jrm

243 to 244
15.10.2007

Part II and III destroyed
in presence on 05.06.14
under the supervision of
section officer (J) as per
order dated 26.07.2014

Section officer (Recor-

Received copy
Jim 112
22/10/07