

क.प्र.प्र. (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत निः शुल्क प्रति

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 195/2008 &
MISCELLANEOUS APPLICATION NO. 91/2008**

JODHPUR : THIS THE 8th SEPTEMBER, 2008.

CORAM :

Hon'ble Mr. D. Sankarankutty, Judicial Member

Hon'ble Mr. Tarsem Lal, Administrative Member

.....

Sanjay Kumar Vyas S/o Shri Makhan Lal aged about 33 years, resident of Shridungargarh Adsarbas, Somania Ka Kua, District Bikaner, last employed as Parcel Porter at Shridungargarh, North Western Railway.
.....Applicant.

Mr. A. Kaushik along with Mr. J.K. Mishra, Advocates, for applicant.

Versus

- 1- Union of India through General Manager, North Western Railway, Jaipur.
- 2- Divisional Personnel Officer, North Western Railway, Bikaner.
.....Respondents.

ORDER [ORAL]

PER D.SANKARANKUTTY, M [J]

The applicant has filed M.A. 91/2008 for condonation of delay in filing the O.A. We have heard the learned counsel and taking into account the peculiar facts and circumstances explained by the applicant's counsel, the M.A. is allowed and delay in filing the O.A. is condoned.

- 2- Learned counsel for the applicant has submitted that as the issue involved in this O.A. is squarely covered by the decision of this Tribunal rendered in *Shankar Lal and a batch Vs. Union of India*

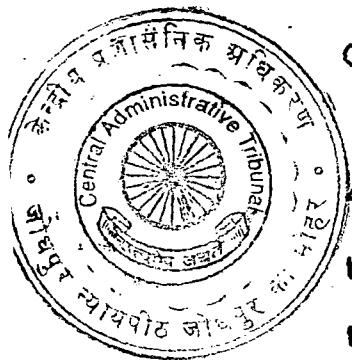


COMPAKED &
CHECKED

and Another [OA No. 238, 239 and 240 of 2007] dated 19th September, 2007 (Annex.A/4) which were disposed of by an Oral order at the stage of admission without issuing notice to the opposite parties. Para 3 of the said order is reproduced below :-

*"The learned counsel claims that keeping in view the judgement of Hon'ble Supreme Court in **A.I. Railway Parcel & Goods Porters Union Vs. Union of India and Ors.** reported in 2003 (6) SCALE 774 and the order passed by the Principal Bench in OA No. 199 of 2004 - **Ramavtar and Others Vs. UOI & Another**, the present O.As be also disposed of. In this view of the matter, we are inclined to dispose of these applications by directing the respondents to dispose of the representation of applicants on the same lines by doing the same exercise in the case of the applicants herein and to carry out the required inquiry and verification as ordered by the Hon'ble Supreme Court as per law. Ordered accordingly. If any grievance survives thereafter, the applicants would be at liberty to approach the Tribunal."*

3- We have considered the arguments and the judgement cited by the learned counsel and are of the opinion that the issue involved in the instant OA is similar to the cited cases. Hence, the directions given by this very Bench of the Tribunal in OA Nos. 238, 239 and 240 of 2007 on 19th September, 2007, ^{as} quoted above, hold good for this O.A. also.

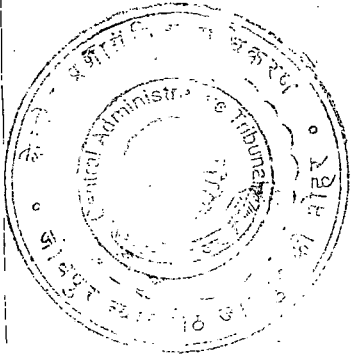


4- This O.A. is accordingly disposed of, without issuing notice - at the admission stage, with a direction to the respondents to dispose of the representation of the applicant subject to the terms and observations contained in the aforesaid order dated 19th September, 2007 passed in OA Nos. 238, 239 and 240 of 2007. However, if any

grievance survives thereafter, the applicant would be at liberty to approach this Tribunal.

Sd/

(Tarsem Lal)
Member (A)



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Dated 11.9.2008

Nanku

बन्धुपति अधिकारी (न्याय.)
Section Officer (Judl.)
केन्द्रीय प्रशासनिक न्यायाधीश
Central Administrative Tribunal
जोधपुर न्यायापीठ, जोधपुर
Jodhpur Bench, Jodhpur.

Sd/

(D.Sankarankutty)
Member (J)