

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED MONDAY, THE TWELFTH DAY OF JUNE ONE
THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI P.K.KARTHA, VICE CHAIRMAN

&

HON'BLE SHRI N.V.KRISHNAN, ADMINISTRATIVE MEMBER

ORIGINAL APPLICATION NO.319/89

D.Kornalyose

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Applicant

Vs

1. Union of India, represented by
its Secretary, Ministry of Railways,
New Delhi.
2. Divisional Manager,
Railway Division, Southern Railway,
Trivandrum. - Respondents

M/s A.Rama Prabhu & C.P.Ravikumar . - Counsel of the
applicant

O_R_D_E_R

(SHRI P.K.KARTHA, VICE CHAIRMAN)

The relief claimed in the present application
filed under Section 19 of the Administrative Tribunals Act
1985 is that the second respondent should be directed to
take back the applicant as Sanitary Maistry with effect
from 31.3.1989 and pay his salary and that the second
respondent be directed to dispose of his representation
at Annexure-II to the application according to law.

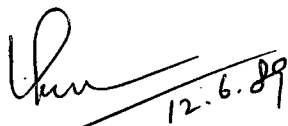
2. We have heard the arguments of both the parties.
The applicant has filed his application on ^{u 30.5.89} ~~20.4.1989~~ without
waiting for a period of six months from the date of sending
of his representation. ^{u dates 20.4.89} We are therefore of the opinion that
the applicant should first exhaust the remedies available
to him under the service rules before filing this application.

3. We ~~are~~^{are} therefore direct the respondents to consider the representation of the applicant dated 20.4.1989 at Annexure-II of the application on the merits and pass a speaking order. While doing so, the second respondent should also consider the medical certificate given ~~at~~ⁱⁿ Annexure-I to the application.

4. The second respondent should pass final orders as expeditiously as possible but not later than one month from the date of receipt of copy of this order. In case ~~the~~^{applicant or} ~~he~~^{she} is aggrieved by the decision of the respondents, he will be at liberty to file a fresh application in accordance with law.

5. The respondents ~~be~~^{are} further directed ~~the~~^{that} the applicant should not be ~~displaced~~^{dispossessed or} from the railway quarters which is presently under his occupation till the representation is finally disposed of by them.

6. The application is disposed of on the above lines without any order as to costs.


(N.V.KRISHNAN)
ADMVE. MEMBER


(P.K.KARTHA)
VICE CHAIRMAN

12-6-1989

trs