

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

O.A. NO: 375/2005.377/2005, 378/2005, 379/2005

LUCKNOW, THIS THE 5TH DAY OF SEPTEMBER, 2005.

HON'BL SHRI SHANKAR RAJU, MEMBER (J)

HON'BLE SHRI S.P. ARYA, MEMBER (A)

(O.A.375/2005)

Prabhu Nath Singh aged about 33 years son of late (Shri) Nagina, Singh ,Resident of Baddhi Chpara, Post Sakra, Via Tarwara, Distriect Siwan (Bihar).

..Applicant

By Advocate Shri : R.L.Mishra

Versus

1. Union of India through Secretary to Government Railway Department (N.R.) Central Secretariat, New Delhi.
2. Senior General Manager (N.R.) , Baroda House, New Delhi.
3. Senior Divisional Mechanical Engineer (DSL) Diesel Shed, Alambagh, Lucknow.
4. Assistant Divisional Mechanical Engineer (D)

..Respondents

By Advocate: Sri S. Lavania

(O.A. No. 377/2005)

Dinesh Rai , son of Shri Sudama Rai, Resident of Village Busdila Bujroo (Tarhwa), Post Office- Salemgarh, District-Kushi Nagar, working as Helper Khalasi (Call -IVth) Post, T.No. 889 office of the Senior Divisional Mechanical Engineer (DSL) Diesel Shed, Alambagh, Lucknow.

Applicant.

By Advocate Shri : R.L.Mishra

Versus

1. Union of India through Secretary to Government Railway Department (N.R.) Central Secretariat, New Delhi.
2. Senior General Manager (N.R.) , Baroda House, New Delhi.
3. Senior Divisional Mechanical Engineer (DSL) Diesel Shed, Alambagh, Lucknow.
4. Assistant Divisional Mechanical Engineer (D)

Respondents

By Advocate: Sri N.K.Agrawal

(O.A. No 378/2005)

Manoj Kumar, son of Sri Ram Narain resident of Village Nirala Nagar, Post Office Siwan, Distt. Siwan (Bihar) working as Helper Khalasi (Class-IV) post. Office of the Senior Divisional Mechanical Engineer (DSL) Diesel Shed, Alambagh, Lucknow..

Applicant.

By Advocate Shri R.L. Mishra

Versus

1. Union of India through Secretary to Government Railway Department (N.R.) Central Secretariat, New Delhi.
2. Senior General Manager (N.R.) , Baroda House, New Delhi.
3. Senior Divisional Mechanical Engineer (DSL) Diesel Shed, Alambagh, Lucknow.
4. Assistant Divisional Mechanical Engineer (D) Northern Railway, Alambagh, Lucknow.

Respondents.

By Advocate Shri : N.K. Agrawal

(O.A. No.379/2005)

Suresh Kumar, aged about 37 years, son of Shri Pray Lal, T. No. 859 Kalman Loco N.R., Lucknow resident of House No. 554-Kha/205, Visheshwar Nagar, Alambagh, Lucknow.

Applicant.

By Advocate Shri : R.L. Mishra

Versus

1. Union of India through Secretary to Government Railway Department (N.R.) Central Secretariat, New Delhi.
2. Senior General Manager (N.R.) , Branch Office Baroda House, New Delhi.
3. Senior Divisional Mechanical Engineer (Northern Railway), D.R.M.'s Office, Lucknow.
4. Assistant Divisional Mechanical Engineer (P) (Northern Railway), D.R.M.'s office, Lucknow.

Respondents.

By Advocate Shri K.K.Shukla

ORDER(ORAL)

BY HON'BLE SHRI SHANKAR RAJU MEMBER (J)

Heard the parties.

2. As these OAs are founded on identical set of facts and common question of law, they are disposed of by this common order. However for the sake of convenience, facts in O.A. No. 375/2005 are stated.

3. It is trite law that in the matter of condonation of delay , a liberal approach broad based construction is always necessary as held by the Apex Court in Rattan Singh Vs. Vijay Singh 2001 (1) SCC 469. It was also held by the Apex Court in State of Bihar Vs. Kameshwar Prasad 2001 (1) SLJ 76 that delay is to be condoned on sufficient cause to dispense justice and the explanation should not smack of malafide.

4. In the light that the impugned order is dated 7.7.2004, the present O.A. has been filed on 4.8.2005 , there is a delay about few days in filing the O.A. As applicant has stated in his M.A. for condonation of delay , time was consumed in preparation of the O.A. , in the interest of justice, delay is condoned.

5. On merits, it is trite law that whenever a document is sought for, its relevance is to be highlighted. In the light of show cause notice issued on 29.4.2004, applicant

preferred an application seeking certain documents including two documents showing his increment and joining order. Out of these documents, two documents were served upon the applicant and in the show cause notice dated 5.7.2004, he has been asked to prefer a reply within 10 days.

6. Against this order, applicant preferred another representation on 15.7.2004 stating that unless all the documents are served upon him, it is not possible for him to make an effective reply.

7. On the other hand learned counsel for respondents contended that for want of any relevance, either shown in the representation or in the O.A. documents are not established to be relevant by the applicant, as such on flimsy grounds, this request of applicant cannot be acceded to. Be that as it may once the documents which are in possession of respondents are required by the applicant in the matter of his effective defence, when he is pitted against a proposal to dispense with his services, it is incumbent upon the respondents to have served these documents, unless are not available or confidential in nature. A similar view was taken by us in Narendra Nath Yadav Vs. Union of India (O.A. No. 267/2005 decided on 11.7.2005), we respectfully agree with the same.

8. In the result for the foregoing reasons, O.As are disposed of with liberty to the applicants to make their representations highlighting the relevancy of each documents sought for to the respondents and thereafter respondents are directed to pass a detailed and speaking order, under intimation to the applicants within two months from the date of receipt of this order. *Copy of order is placed in each file.*


(S.P. ARYA)
MEMBER(A)


(SHANKAR RAJU)
MEMBER(J)

HLS/-