

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. 590/06

Lucknow this the 22nd day of December, 2006.

Hon. Mr. M. Kanthaiah, Member (J)

Ashutosh Bhatnagar, aged about 38 years, son of Shri A.K. Bhatnagar, resident of 171-A, Summer Vihar Colony, Alambagh, Lucknow.

Applicant.

By Advocate Shri K.P. Srivastava.

Vs.

1. Union of India through General Manager, Northern Railway, Baroda Bouse, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. Senior Electrical Data Processing Manager, Northern Railway, Hazratganj, Divisional Office, Lucknow.

Respondents

By Advocate Shri S. Lavaniya.

Order (oral)

By Hon. Mr. M. Kanthaiah, Member (J)

1. The respondents have filed preliminary objection for admission and for grant of Interim relief. The main objection of the respondents is that the applicant who is working as Data entry operator in E.D.P . Centre questioned the impugned memo dated 16.10.06 (Annexure A-7) under which he was spared from EDP Center and directed to report to Personnel Branch, mainly basing on clarification covered under Annexure-9 dated 16.11.06 stating that he is entitled for automatic absorption as Data entry Operator with a minimum service of five years. The main objection of the respondents counsel is for admission that the said clarification is subsequent to impugned memo dated 16.10.06 and as such the applicant cannot base his claim

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basing on such clarification. Though the clarification covered under Annexure 9 is subsequent one, it is only a clarification, but not any order to take note of its date for implementation. By such clarification, the department has clarified the required qualification and services for absorption. As such here is no justification in such objection and thus the same is not at all maintainable for opposing admission. Hence the matter is admitted.

2. The applicant's counsel states that after issue of impugned order dated 16.10.06 he made a representation to the department for reviving of such orders covered under Annexure A-10 dated 1.12.06 which is pending disposal and if a direction is given to the respondents to dispose of the said representation giving reason, purpose would be served. Heard both sides.
3. No harm would be caused to respondent No.2 if a direction is given to him to dispose of the pending representation of the applicant and further it is the duty of the respondent No.2 to answer the applicant by giving reasoned order.
4. Thus, the O.A. is disposed of with a direction respondent No.2 to dispose of pending representation of the applicant covered under Annexure A-10 and pass reasoned order within a period of 45 days from the date of supply of copy of order on the respondent No.2. No costs.


Judicial Member

22-12-06