

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Original Application No.392/2008

This the 11th day of November 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

HON'BLE DR. A.K. MISHRA, MEMBER (A)

Badri Prasad Gupta aged about 56 years son of late Deen Dayal Gupta, Sr. Divisional Assistant under the respondents and the resident of village Batoli post Utratia Dist. Lucknow.

...Applicant.

By Advocate: Shri. A.C. Mishra.

Versus.

1. Union of India, through the General Manager, Northern Railway, Headquarter Office, Baroda House, New Delhi.
2. The Divisional Railway Manager, N. Railway, Hazratganj, Lucknow.
3. Nihal Ahmad son of Late Noor Mohd. Sr. Diesel Assistant C/o Sr. Section Engineer/Loco, N. Railway, Running Shed, Alambagh, Lucknow.

...Respondents.

By Advocate: Shri S.M.S. Saxena.

ORDER (Oral)

BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Heard both the sides.

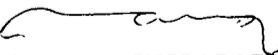


2. The applicant has filed the OA with a prayer to issue direction to Respondent No.1 and 2 to fix the pay of the applicant equal to the pay of his junior, Sri Nihal Ahmad in the category of Sr. Diesel Assistant.

3. It is also the case of the applicant that he made a representation in respect of his claim by way of legal notice Dt. 28.03.2008 (Ann.-10) and Dt 20.06.2008 (Ann.-10-A) respectively but the respondents have not disposed of the same and ^{there are} still pending. At this stage, counsel for the applicant submits that if his OA is disposed of with a direction for disposal of his pending representations, the purpose of OA would be served. The respondents counsel submits that the legal notice Dt. 20.06.2008 is not at all clear and the applicant may be directed to submit a detailed representation in respect of his promotion and other reliefs for consideration and disposal by the competent authority. When the representations of the applicant are still pending giving of any direction allowing the claim of the applicant is not justified at this stage.

3. In view of the above circumstances for the fair and just disposal of the matter, the OA is disposed of with a direction to the Respondent No. 2 to consider the legal notice Dt. 28.03.2008 (Ann.-10) and Dt 20.06.2008 (Ann.-10-A) respectively and pass reasoned order as per rules within a period of three months from the date of receipt of the copy of this order. The applicant is also directed to supply a comprehensive representation in respect of his claim alongwith the copy of this order to Respondent No.2 for consideration. No order as to costs.


(DR. A.K. MISHRA)
MEMBER (A)


(M. KANTHAIAH)
MEMBER (J)

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