

Central Administrative Tribunal Lucknow Bench Lucknow.

Review Application No. 4/2010
In

Original Application No. 386/2009
This, the 8th day of February, 2010

Hon'ble Ms. Sadhna Srivastava, Member (J)
Hon'ble Dr. A. K. Mishra, Member (A)

1. Chief Secretary, government of Uttar Pradesh, Lucknow.
2. Principal Secretary, Government of Uttar Pradesh, Department of Home, Lucknow.
3. Director General of Police, U.P. Lucknow.

Applicants/respondents No.

3, 4 & 5

In Re:

Original Application No. 386/2009

By Advocate Sri Pankaj Awasthi for Sri A. K. Chaturvedi.

Anil Kumar Das ... Applicant

By Advocate Sri D. Awasthi for Sri Praveen Kumar.

Versus

Union of India and 11 Others ... Respondents.

Order (Oral)

By Hon'ble Dr. A. K. Mishra, Member (A)

This Review Application has been filed against the order dated 9th November, 2009 passed in O.A. No. 386/2009 directing the respondent No. 4 to give a decision on the representation dated 30th July, 2009 (Annexure A-12) of the applicant in accordance with rules by a reasoned and speaking order within a period of three months from the date of receipt of copy of the order. An application for condonation of delay has also been submitted therein the reasons for filing the review application beyond the limitation period, which we consider to be justified to condone the delay. Hence, the delay is condoned and the review application is taken up for hearing.

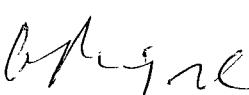
2. The counsel for review applicant submits that it is the Respondent No. 1 of the O.A., namely the Union Government of India, which has the power to take a final

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decision on the representations of the respondent (applicant). Respondent No. 4 in the O.A., which happens to be the State Government, did not have the power to finally dispose of the representation of the respondent (applicant in the O.A.). Therefore, his request was that instead of Respondent No. 4, the respondent No. 1 namely, the Union Government of India may be directed to dispose of the representation of the applicant dated 30th July 2009 in accordance with rules. The counsel for the review applicant submits that this Tribunal at Allahabad Bench has allowed a similar request in respect of O.A. 1562/2004, re. Dr. Vijendra Sharma Vs. Union of India & others made in review application No. 7/2009. He has filed a copy of the review order dated 13.10.2009 (Annexure A-4 to the review application) to substantiate this claim. The learned counsel for the respondent (applicant in O.A.) concurred in the request made by the review application.

3. In the circumstances, the operative part of the judgment and order dated 9th November 2009 in O.A. 386/2009 is modified in the following manner: in place of the respondent No. 4, the respondent No. 1 in O.A. No. 386/2009 is directed to decide the representation of the applicant dated 30th July 2009 as contained in Annexure No. 12 in the O.A. in accordance with rules by passing a reasoned and speaking order within three months from the date of receipt of a copy of this order.

4. The review application is disposed of with the above observations.


(Dr. A. K. Mishra)
Member (A) 08/12/2010


(Ms. Sadhna Srivastava)
Member (J)

Vidya