

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. No. 4/2010

This, the 13th day of January, 2010

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

Virendra Kumar Srivastava, aged about 49 years son of Sri Brij Kumar Srivastava, resident of 918, Civil Line, Sitakund, Sultanpur.

Applicant

By Advocate: Sri Praveen Kumar

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

Respondents

By Advocate: Sri P. Awasthi for Sri V.K. Srivastava

ORDER (ORAL)

By Hon'ble Ms. Sadhna Srivastava, Member (J)

Heard Sri Praveen Kumar, counsel for applicant and Sri Pankaj Awasthi brief holder of Sri V.K. Srivastava for counsel for respondents.

2. By means of this O.A., the applicant seeks a direction upon the respondents to regularize the period during which the applicant remained under treatment /periodical medical examination as on duty for all purposes with all consequential benefits. Further, there is a prayer to pay salary for the period of October, 2004 and from March 2005 till 01.09.2005.

3. At the outset, the counsel for applicant states that for the aforesaid reliefs, he has filed a representation as contained in Annexure No. 5 to the respondents, which is still pending. Therefore, at this stage, he seeks that a direction be issued to the respondents to treat this O.A. as representation of the applicant and decide the same.

4. Counsel for respondents raises preliminary objection that the representation of the applicant was received by the Department in 2006 and the instant O.A. has been filed in the year 2010, therefore, it is barred by time.

5. It appears from record that the representation was received by the Department on 3.10.2006 but the same is still pending for decision before the authority.

6. Therefore, we are of the view that the O.A. can be disposed of at the admission stage itself by giving a suitable direction to the competent authority. Accordingly, the



competent authority is directed to treat this O.A. as representation of the applicant and decide the same in accordance with rules within a period of 3 months from the date of receipt of copy of this order. It is needless to say that we have not expressed any opinion on the merits of the case. The O.A. is disposed of at the admission stage itself with the above directions. No orders as to costs.

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(Dr. A.K.Mishra)
Member (A)

S. Srivastava
(Sadhna Srivastava)
Member (J)

HLS/-