

THE TRIENAL
LUDHIANA, LUDHIANA

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ETA 325/80 (L)

Date of Decision 15/12/83

Mingali Bansi... Petitioner

W.H. Haidani... Adv. for the Peti.

Union of India & others... Respondents

..... Adv. for the Respondents.

The Hon'ble Mr. S.N. Prasad, J.M.

The Hon'ble Mr. V.K. Seth, A.M.

Whether the award of local damages may be allowed to the Petitioner.
(By S.N. Prasad, J.M.)

Whether the award be referred to the Reporter or not.

Whether their Lordships wish to see the fair copy of judgment?

Whether the award be circulated to all other Benches?

Signature

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CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

.....

Original Application No. 329 of 1990 (L)

Mangali Prasad Applicant
Versus

Union of India
& others Respondents

Hon'ble Mr. S.N. Prasad, Judicial Member
Hon'ble Mr. V.K. Seth, A.M.

(By Hon. Mr. S.N. Prasad, Judicial Member)

The applicant has approached this Tribunal
~ mainly ~
for directing the respondents to refund his 5 days
salary Rs. 324/- which has been deducted from
his salary for Sept. 1987 despite the facts
that the applicant was on duty from 7.11.87 to
11.11.87, and further the respondents be directed
to pay Rs. 364/- against his T.A. claim made
by him for the period from 2.9.87 to 12.9.87
during which he had been on duty at out station.

2. Briefly, stated the facts of the case
interalia, are that the applicant was deputed to
escort damaged coach No. 5006 GS Ex. Aishbagh
Junction, N.E. Railway; to IZN Workshop as per
order of the respondent No. 2. The applicant
and two other persons namely Garjoo, Carriage
Fitter and Sri Ayodhya Prasad, Khalasi, were
also deputed to escort the same coach and the
coach was attached with Dn. Juglar Goods Train
on 2.9.87 and reached at Izat Nagar Shop on 10.9.87
as per details given below :-

2.9.87 By Dn. Juglar Ex-ASH at 16.20

3.9.87 Reached MLN at 10.36

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4.9.87 Halt at MLN as there was no power.
 5.9.87 Left MLN at 21.40 by BC Spl.
 6.9.87 Reached B.C. at 4 hrs.
 6.9.87 Left BC by KSJ Spl. at 4.20 as
 coach was not detached by CTNL -
 order reached KSJ at 8.30 hrs.
 7.9.87 Left KSJ by AB 2 Up for BC at
 2 hrs.
 7.9.87 Reached B.C at 16.40
 8.9.87 Stayed at B.C for want of power.
 9.9.87 Left B.C at 21.55 for IZN.
 9.9.87 Reached IZN at 22.15
 10.9.87 By shunting Pilot to IZN-Shop

On 11.9.87 the applicant made over the charge of the damaged coach to the workshop authorities and after receiving letter No. M/2077 dated 11.9.87 from Works Manager/IZN Workshop, left for Lucknow by 25 Up at 23 hrs. for IZN and reached at HQ at 10 hrs. (ride - Annexure-2).

3. The main grievance of the applicant appears to be that despite several representations, made to the authorities concerned, dated 12.1.88 and 1.6.88 which are Annexure A-8 & A-9 respectively, nothing materialised ^{hence} sofar; the applicant has approached this Tribunal.

4. This is noteworthy that despite ample time and opportunity having been afforded to respondents for filing C.A., no C.A. has been filed and as such the averments made by the applicant in the O.A. to the effect that the above representations i.e. Annexure A-8 & A-9 have ^{been} not been decided sofar, remain uncontroverted.

5. Having considered all the facts and circumstances of the case and all aspects of the matter we find it expedient that the ends of justice would be

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served if the respondents are directed to decide ^{above} representations of the applicant (Annexure A-8 & A-9) by reasoned and speaking order in accordance with the extant rules and regulations and to redress the ^{grievance} of the applicant ^{~ accordingly ~} within a period of two months from the date of receipt of the copy of this judgment, and we order accordingly.

6. It is made clear that in case if the above representation i.e. Annexure A-8 & A-9 are not readily available with the respondent No. 3 i.e. Sr. Divisional Personal Officer, N.E. Railway, Hazratganj, Lucknow then in that case, the applicant ^{~ will ~} ~~may~~ furnish a copy thereof to the respondent No. 3 within a period of 10 days from the date of the receipt of the copy of the judgment to enable ^{~ the respondents ~} ~~him~~ to decide the above representations within the aforesaid specified period of time.

7. The application of the applicant stands disposed of as above. No order as to costs.

Admn. Member

Girish/-

Ducknow; Dated 15.12.93

Judicial Member

15.12.93