

## THE TRIANGLE

## THE MUNICIPALITY, LUCKNOW.

(TA 325) 90 (L)

Date of Decision 46-151243

Mingali Bawali.... Petitioner

W. H. Haider. .... A. V. for the Acti.

Union of India ~~Act~~ <sup>Respondents</sup>

..... . . . . . Adv. for the Respondents.

The Hon. W. L. Pender, J. M.

The Horatio A. V. K. Seth J. W.

whether the right of local bodies may be allowed to the State.

8. Referred to the Reporter or Act.

her fair lordships wish to see the fair copy of  
judgment.

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What is the difference between the Bench and the other Benches?

Signature

(11)

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. claimed 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 BC 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. (<sup>vide</sup> 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  
sofar; the applicant has approached this Tribunal.  
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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  
having 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 <sup>accordingly</sup> within a period of two months from the date of receipt of the copy of this judgment, and we order accordingly.

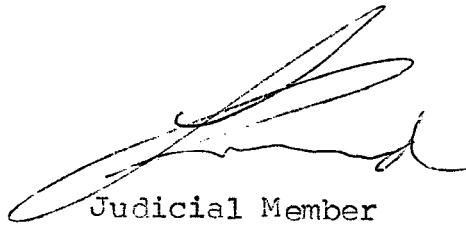
6. It is made clear that in case if the above representation i.e. Annexure A-8 & A-9 are not readily available with the respondent No. 3 i.e. Sr. Divisional Personal Officer, N.E. Railway, Hazratganj, Lucknow then in that case, the applicant <sup>will</sup> <sup>may</sup> furnish a copy thereof to the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

  
Admin. Member

Girish/-

Ducknow; Dated 15.12.93

  
Judicial Member

15.12.93