

Central Administrative Tribunal, Lucknow Bench, Lucknow.
Original Application No. 390/2010

This the 5th day of March, 2014

Hon'ble Sri Navneet Kumar, Member (J)
Hon'ble Ms. Jayati Chandra, Member (A)

Haridwar aged about 52 years son of late Sri Ganesh Prasad resident of L-27-H, Outhouse, Fateh Ali Colony, Charbagh, Lucknow.

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.
3. The Sr. Section Engineer (Works) LocoShop, Northern Railway, Charbagh, Lucknow.
4. The Chief Works Manager, Carriage and Wagon Workshop, Alambagh, Lucknow.

Respondents

By Advocate: Sri S.Verma

ORDER (ORAL)

By Hon'ble Sri Navneet Kumar, Member (J)

The present O.A. is preferred by the applicant under section 19 of the AT Act with the following reliefs:-

1. To regularize the period during which the applicant remained under treatment/ periodical medical examination and treat the said period as Duty for all purposes with all consequential benefits.
2. To pay salary for the period during which the applicant remained under treatment/ examination along with interest @ 12% p.a till the actual date of payment.
3. To release the bonds of the applicant as indicated in O.A. along with interest @ 12% p.a. till the actual date of payment.
4. Any other relief which this Hon'ble Tribunal may deem fit, just and proper under the circumstances of the case, may also be passed.
5. Cost of the present case.

2. The brief facts of the case are that the applicant was initially engaged as Casual Labour in 1976 and regularized as Khalasi w.e.f.

15.1.1985. Subsequently in 2000, the applicant along with several others were declared surplus and accordingly the applicant sought for re-deployment on the post of Gangman. The applicant was subsequently declared medically unfit for B-1 and B-2 category and declared fit for C-1 and C-2 category. In 2003, the applicant submitted various representation for allowing him to join duty. It is also indicated by the learned counsel for the applicant that the applicant was informed that he would be re-examined by the medical board but nothing was done and he was not allowed to resume his duties.

3. Learned counsel for the applicant has also pointed out that he has submitted his representation for release of salary for 11 months and bonus for the year 2006.

4. Despite sufficient opportunity given to the learned counsel for the respondents, the respondents failed to seek any instructions and file any reply.

5. Learned counsel appearing on behalf of the applicant has also submitted at bar that his representations are pending since long and respondents are not taking any action and submitted that he would be satisfied if a direction is issued to the respondents to consider and decide the applicant's representation dated 2.5.2006 as contained in Annexure No. A-7 and representation dated 22.10.2009 as contained in Annexure No.A-9 to the O.A.

6. Considering the submissions made by the learned counsel for the parties and also keeping in view the interest of justice, we deem it proper to direct the respondents to take a decision on the applicant's representations as contained in Annexure No.A-7 and Annexure No.A-9 to the O.A. in accordance with law within a period of 3 months from the date of certified copy of order is produced and the decision so taken be communicated to the applicant. It is made clear that we have not expressed any opinion on the merit of the case.

7. With the above observations, O.A. is disposed of. No order as to costs.

J. Chandra
(JAYATI CHANDRA)
MEMBER (A)

Navneet Kumar
(NAVNEET KUMAR)
MEMBER(J)

HLS/-