

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 499/94

Shri Suryakant Anna Ballal

... Applicant.

V/s.

Union of India through  
The General Manager,  
Central Railway, Bombay.

The Chief Personnel Officer (S & M)  
Personnel Branch, Head Quarter's office  
Central Railway, Bombay V.T.

The Controller of Stores,  
Central Railway, Bombay VT

The Dy. Controller of Stores,  
Central Railway, Pune.

Shri Chandrakant Shinde,  
Lorry Driver at Stores Dept.  
Central Railway, Pune.

... Respondents.

CORAM: Hon'ble Shri N.K. Verma, Member (A)

Appearance:

Shri S.R. Atre, counsel  
for the applicant.

ORAL JUDGEMENT

Dated: 15.4.94

¶ Per Shri N.K. Verma, Member (A) ¶

The applicant has been transferred from Pune to Bombay after a short gap of three months, although he was transferred to Pune at his request and his representation to Controller of Stores dated 17.1.94 followed by representation to the General Manager, Central Railway dated 16.2.94 has not been <sup>replied to</sup> ~~evoked~~ by the respondents so far. There after the applicant has come to this Tribunal for seeking the relief. This a premature application to this Tribunal as Administrative authorities are required to give proper consideration to his representation and if the applicant is dis-satisfied with the decision he is entitled to seek the relief from this Tribunal.

N.K. Verma

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In view of the above the application is disposed of with a direction that the Head of the department , Controller of Stores, Bombay will dispose of the representation of the applicant within two months of the passing of this order.

DASTI.

*N.K. Verma*  
(N.K. Verma)  
Member (A)

NS

5A Copies Sent  
to Respondents  
A

Dated: 16.8.94

4

CP NO 101/94  
fixed for orders  
on 16/8/94

&  
4/8

None for the parties. However, on perusal of the records, I find that the respondents were directed to dispose of the representation made by the applicant by the Head of the department, i.e., Controller of Stores, Bombay within two months from the passing of that order, i.e., 15.4.94. The period expired on 15.6.94.

During the course of hearing today, a Departmental representative showed me the order passed by the C.P.O. rejecting the representation made by the applicant stating that "This issues with the approval of Competent authority." However, he was not able to show the order passed by the Competent authority, i.e., Head of the Department, Controller of Stores, who was directed by the Tribunal to pass a speaking order in respect of the representation made by the applicant. Since the respondents did not implement the direction of the Tribunal, the applicant has filed C.P. No. 101/94

Contd.

Contd.

stating that the respondents were in contempt of the Orders as have been passed by the Tribunal and as such they deserve to be dealt with accordingly under the provisions of the Contempts of the Courts Act.

On the circumstances, we direct the respondents to file an affidavit stating ~~that~~ when the competent authority has disposed of the representation of the applicant and also to file a reply to the C.P. Accordingly, the respondents are given time to file a reply within two weeks.

List the case on 5.9.94.

Since it is C.P., the matter may be posted before a Division Bench.

16/8/94  
order/Judgement despatched  
to Applicant/Respondent (s)  
on 18/8/94

*[Signature]*  
24/8/94

Note of appearance  
filed by Shri S.C. Dhawan  
Adv. on 24/8/94.

2/78

*[Signature]*  
(B.S. Hegde)  
M(I)

Date: 5/9/94  
Applicant in person / by Name  
Advocate / Respondent by  
Counsel. S.C. Dhawan  
The matter adjourned to 18/9/94  
for Orders  
fired  
Dr. Registrar