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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1104/94

Transfer Application No.

Date of Decision : 19.6.95

G.S.Rathore

Petitioner

Applicant in person

Advocate for the
Petitioners

Versus

General Manager, Western Railway,
Churchgate, Bombay and Anr.

Respondents

Shri P.M.A. Nair

Advocate for the
respondents

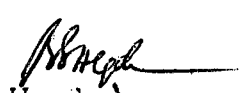
C O R A M :

The Hon'ble Shri B.S. Hegde, Member(J)

The Hon'ble Shri

(1) To be referred to the Reporter or not ? ☒

(2) Whether it needs to be circulated to
other Benches of the Tribunal? ☒


(B.S. Hegde)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1104/94

G.S. Rathore

... Applicant.

V/s.

General Manager,
Western Railway,
Churchgate,
Bombay.

Divisional Rail Manager
Ratlam Divn.,
Western Railway,
Ratlam.

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Appearance:

Applicant in person

Shri P.M.A. Nair, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 19.6.95

{ Per Shri B.S. Hegde, Member (J) }


Respondents have filed reply to the O.A. in the meanwhile the applicant has approached Jaipur Bench of this Tribunal. The Jaipur Bench vide its order dated 4.7.94 directed the respondents to decide the representation made by the applicant in November, 1993 vide Annexure A2. The respondents have not given any reply to the representation and have not passed speaking order on merit, accordingly the Tribunal had directed the respondents to pass a speaking order on merits within a period of two months.

During the course of hearing the learned counsel for the respondents draws my attention to Annexure R1 dated 21.1.94 stating that the

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cancellation proposed by the applicant is not as per Rules. Therefore, as per Western Railway Pass Manual para 105 a clear provision except as to how the irregularity committed in the matter of excess pass by an officer can be dealt with and thus the respondents are entitled to recover the amount from the applicant. This reply was furnished to the applicant prior to the direction given by the Jaipur Bench of the Tribunal. In fact the said reply is not a speaking order.

In the circumstances, I hereby direct the respondents to pass a speaking order on the basis of the representation already made by the applicant and make necessary enquiry, before passing the required speaking order as per the directions of the Tribunal within a period of two months from the date of receipt of this order, failure to receive any speaking order from the respondent within the specified time the applicant is at liberty to approach this Tribunal afresh as he deem fit.


(B.S. Hegde)
Member (J)

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