

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

5.8.2009

RA 4/2009 (OA 190/2008) with MA 105/2009

Mr. V. S. Gurjar, counsel for UOI.
Mr. Shailendra Srivastava, counsel for applicant
in the OA.

MA 105/2009 has been moved by the
respondents for condonation of delay in filing
the Review Application.

In view of the averments made in the MA, the
MA is allowed and the delay in filing the RA is
condoned.

MA stands disposed of accordingly.

Heard learned counsel for the parties. The
RA stands disposed of by a separate order.

(B.L.KHATRI)
MEMBER (A)

(M.L.CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 5th day of August, 2009

REVIEW APPLICATION No.4/2009

IN

ORIGINAL APPLICATION No.190/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

1. Union of India through
General Manager,
North Western Railway,
Hasanpura Road,
Jaipur.
2. Chief Personnel Officer,
HQ North Western Railway,
GM Office,
Jaipur.

... Applicants

(By Advocate : Shri V.S.Gurjar)

Versus

1. Manik Chandra Soni
S/o Late Shri Ram Dayal Soni,
R/o C-8-B, Mother Teresa Nagar,
Gatore Road,
Jaipur.
2. Rajesh Yadav
S/o Shri B.S.Yadav,
R/o Houſe No.5, Officers Extension,
Sirsi Road, Khatipura,
Jaipur.

... Respondents

(By Advocate : Shri Shailendra Srivastava)

19

ORDER (ORAL)

This Review Application has been moved by the applicants [Respondents in the OA] for reviewing the order dated 27.2.2009, passed in OA 190/2008, whereby a direction was given to the Chairman, Railway Board, to dispose of the representation of the applicants [Respondents in this RA] within a period of three months from the date of receipt of such representation.

2. By way of this Review Application, the applicants [Respondents in the OA] have stated that in fact the said representation of the respondents [Applicants in the OA] was required to be decided by the General Manager, North Western Railway, who is the competent authority to pass such an order. Even otherwise also, the respondents [Applicants in the OA] had not impleaded the Chairman, Railway Board, as one of the respondents in the OA. Only the General Manager, North Western Railway, and the Chief Personnel Officer, North Western Railway, had been impleaded as respondents No.1 and 2 in the OA. Thus, according to the applicants [Respondents in the OA] instead of Chairman, Railway Board, the General Manager, North Western Railway, may be and should have been directed to decide the representation of the applicants in terms of the order dated 27.2.2009.

3. Notice of this RA was given to the respondents [Applicants in the OA], who have filed their reply. In the reply, the respondents [Applicants in the OA] have stated that they have apprehension that in case the General Manager, North Western Railway, is directed to decide their representation, the matter will not be decided in right perspective as the General Manager, North Western Railway, may come under the pressure of the recognized Union i.e. Mazdoor Sangh.

4. We have given due consideration to the submissions made by learned counsel for the partiers. We are of the view that since the Chairman, Railway Board, was not impleaded as

one of the respondents in the OA, it will be in the interest of justice if, instead of Chairman, Railway Board, the General

Manager, North Western Railway, is directed to decide the representation of the applicants in terms of the order dated 27.2.2009, passed in OA 190/2008, objectively and without any pressure from any Union.

5. With these observations, the RA stands allowed and the order of this Tribunal dated 27.2.2009, passed in OA 190/2008, stands modified to this extent. It is further clarified that the representation of the respondents [Applicants in the OA] will be decided within a period of three months from today. No costs.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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