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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 21.7.1999

OA 4/99

Harish Kumar Yadav r/o B-555, Jamuna Nagar, Sodala, Jaipur, last employed on the Post of ASM, Western Railway, in the Jaipur Division.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Jaipur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. N. P. NAWANI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. Shiv Kumar

For the Respondents

... —

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Harish Kumar Yadav, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to grant exemption from rendering service for the entire period under bond as per rules as also for a direction to refund a sum of Rs.10968/- already taken from him.

2. We have heard the learned counsel for the applicant

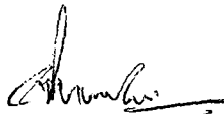
3. Applicant's case is that on his posting as Assistant Station Master in the Jaipur Division of the Western Railway, he was imparted induction course by the railway administration. The training was for a duration of 5½ months, inclusive of practical training for one month. The applicant had undergone training for about one month. When he was selected for appointment as Junior Accountant in the State of Rajasthan, with the prior permission of the railway administration vide Annexure A-1 dated 26.4.93, he asked the respondents to relieve him for joining his new post in the State of Rajasthan but the respondents vide their letter dated 31.8.94 asked the applicant to resign and fulfil the terms and conditions laid down in the bond executed by the applicant at the time of appointment as Assistant Station Master. The applicant then had to deposit Rs.10968/- on account of cost of training as calculated by the respondents. After resigning from the post of Assistant Station Master, the applicant requested the concerned authorities for granting exemption from serving the railway administration


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for the balance of the original bond period. The learned counsel for the applicant has drawn our attention to the representation made by the applicant vide Annexure A-5 dated 30.5.95, which is still pending consideration.

4. In the circumstances, we dispose of the present OA, at the stage of admission, with a direction to respondent No.2 to take a decision on the representation of the applicant dated 30.5.95 (Annexure A-5) in terms of RBE No.9/95 circulated vide No.E(NG)/I/89/AP/5 dated 30.1.95 and rule 1410 within a period of one month from the date of receipt of a copy of this order. Let a copy of the OA and the annexures thereto be sent to respondent No.2 alongwith a copy of this order. If the applicant is aggrieved by any decision taken on the representation, he shall be at liberty to file a fresh OA.


(N.P.NAWANI)
ADM.MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

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