

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 10th day of August, 2010

ORIGINAL APPLICATION NO. 13/2010

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HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

Arun Kumar Tripathi son of Shri Brahmdev Tripathi, aged about 66 years, resident of 7-Ka-3, Jyoti Nagar, Jaipur (Rajasthan) Retired Loco Pilot, Central Railways, Kota.

.....Applicant

(By Advocate: Mr. Hemant Mathur proxy to Ms. Amrita Tripathi)

VERSUS

1. Union of India through Chairman, Railway Board, Churchgate, Mumbai.
2. The Chief Medical Superintendent of Railway Hospital (Western Central Railway), Kota.
3. The Divisional Railway Manager (Western Central Railway), Kota.

.....Respondents

(By Advocate: Mr. R.L. Agarwal proxy to Mr. Alok Garg)

ORDER (ORAL)

This is the second round of litigation. Earlier the applicant had filed OA No. 410/2009, which was disposed of vide order dated 15.09.2009. At this stage, it will be useful to quote the operative portion of the order, which thus reads as under:-

"After having considered the facts of the case, it is considered necessary to direct the applicant to file a self-contained representation before respondent no. 2 i.e. Chief Medical Superintendent, Railway Hospital, West Central Railway, Kota, alongwith all the necessary documents, within a fortnight from the date of this order and in case the representation of the applicant is received within the stipulated period, respondent no. 2 is directed to decide the same by a reasoned and speaking order within a period of one month from the date of receipt of the representation. In case the applicant feels aggrieved by the order to be passed by respondent no. 2 on his representation, he

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will be at liberty to approach this Tribunal again. No order as to costs."

2. Since the representation of the applicant was not decided by respondent no.2 within the period allowed by this Tribunal, the applicant has filed the present OA whereby grievance of the applicant is that though the period of three months has already lapsed, the respondents have not decided his representation. It was on the basis of this submission made by the learned counsel for the applicant, this Tribunal vide order dated 19.01.2010 issued notices to the respondents to file their reply and to state the reasons for non compliance of the order dated 15.09.2009 passed in the aforesaid OA.

3. The respondents have filed their reply. In the reply, the respondents have no-where stated that the representation of the applicant in terms of the earlier order dated 15.09.2009 has been decided by respondent no. 2. Further the respondents are justifying their action on merit and have submitted that the claim of the applicant had already been settled prior to the issuance of the direction given by this Tribunal vide order dated 15.09.2009.

4. I have heard the learned counsel for the parties. I am of the view that so long as the representation of the applicant in terms of order dated 15.09.2009 is not decided by respondent no. 2, the second OA is not maintainable. Thus without going into merit of the case, I am of the view that respondent no. 2 shall decide the representation of the applicant in terms of the order dated 15.09.2009 within a period of one month from today failing which the action of the

respondents shall amount to aggravating the contempt proceedings, which shall be instituted by the applicant. Needless to add that in case the applicant is aggrieved by the order to be passed by respondent no. 2, it will be open for him to file substantive OA thereby challenging that order.

5. With these observations, the OA is disposed of with no order as to costs.



(M.L. CHAUHAN)
MEMBER (J)

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