

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Original Application No. 809 of 2006

Jabalpur, this the 24th day of November, 2006

Hon'ble Shri A.K. Gaur, Judicial Member

Ghanshyam Sarathe,
S/o. Devi Prasad Sarathe,
Aged about 50 years,
R/o. Rly. Qr. No. RB-II/114/B,
New Katni Junction,
Diesel Colony,
West Central Railway,
Tah. Murwara, Distt. Katni.

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Applicant

(By Advocate – Shri S.K. Nandi on behalf of Shri S. Paul)

VERSUS

1. Union of India,
Through its General Manager,
West Central Railway,
Jabalpur.

2. The Divisional Railway Manager,
West Central Railway,
Jabalpur.

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Respondents

(By Advocate – Shri M.N. Banerjee)

ORDER (Oral)

Heard the learned counsel for the applicant and Shri M.N. Banerjee, Standing counsel for the Railways, appearing for the respondents.

2. This Original Application has been filed by the applicant against the action of the respondents in extracting the work of Crane Operator from him inspite of the fact that the applicant is substantially holding the post of Crane Driver Grade-II. The said action of the respondents is further bad in law as the applicant has been compelled to work on the post of Crane Operator without paying him any

officiating allowance for the same. Thus, the action of the respondents is violative of Article 39 (d) of the Constitution of India. The applicant has filed several representations in this regard and the last being on 30.10.2006. But the respondents have not paid any heed to the same. The learned counsel for the applicant submitted that he will be satisfied in case direction is given to the respondents to consider and decide the said representation of the applicant dated 30.10.2006.

3. In view of the aforesaid position, I hereby direct the respondents to consider and decide the said representation of the applicant dated 30.10.2006, by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. Be it noted that I have not expressed any opinion on the merits of the case.

4. The Original Application stands disposed of accordingly.

(A.K. Gaur)
(A.K. Gaur)
Judicial Member

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पृष्ठोक्त सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय दार एसोसिएशन, जबलपुर
- (2) आवेदन श्री/श्रीमती/पु.....के काउंसल
- (3) एटर्नी श्री/श्रीमती, पु.....के काउंसल
- (4) न्यायालय, जबलपुर न्यायाधीश सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Done
on 30/11/06
Be