

Central Administrative Tribunal
Jabalpur Bench

RA No.7/06

Tuesday this the 20th day of March, 2006

C O R A M

Hon'ble Mr.G.Shanthappa, Judicial Member

1. Union of India through
The General Manager
Ministry of Railway
West Central Railway
Indira Market
Jabalpur.
2. Divisional Railway Manager
West Central Railway
Bhopal Division
Bhopal.

Review Applicants

(By advocate Shri M.N.Banerjee)

Versus

Uday Singh Shakya
S/o late Hardyal Shakya
R/o 10 Neemwali Gali, Jinsi
Jajangirabad
Bhopal (MP).

Respondent

(By advocate None)

O R D E R (oral)

By Mr.G.Shanthappa, Judicial Member

I heard the learned counsel for the applicants in RA No.7/06.

2. The relief of the applicants is to review the order dated 23.12.2005 in OA No.1196/05.



3. Learned counsel for the applicants in RA has requested for rejection of the OA after reviewing the order dated 23.12.05 in OA No.1196/2005.

4. I carefully examined the pleadings and also heard the learned counsel for the applicants. The Tribunal has considered the averments made in the application, in the admission stage without notice to the respondents, the application was closed with the following observation:

“4. In view of the submission made by the learned counsel for the applicant and in the interest of justice, I deem it appropriate to dispose of this OA by directing respondent No.2 to consider and decide the fresh representation to be filed by the applicant. Hence I direct the applicant to submit a fresh detailed representation to respondent No.2 within 10 days from the date of receipt of this order and if the applicant complies with this, then respondent No.2 is directed to consider and decide the representation of the applicant within a period of three months from the date of receipt of such representation, by passing a detailed, speaking and reasoned order.”

5. The learned counsel has vehemently submitted that the father of the applicant was declared medically unfit on 11.5.1980. As on the date of the disposal of the OA, the delay was not considered by the Tribunal. The cause of action arose in 1980 and the original application was filed in the month of December 2005. When the application was disposed of in the admission stage itself, the respondents were not heard. Hence the RA is filed. The learned counsel further submitted that as on the date of filing the OA, the DRM, Bhopal Division was not the competent authority to consider the representation. The proper authority was DRM, Jhansi. 7. If that is the case, the second respondent can forward the representation of the applicant to the proper authority i.e. DRM, Jhansi and the direction of this Tribunal can be considered by the competent authority.

6. The respondents can also take a decision in respect of limitation issue. On the issue of belated application, there are many judgments



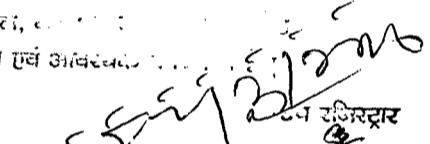
of the apex court and also of Allahabad High Court. The competent authority can consider the facts of the case and the scheme for compassionate appointment including such judgments and comply with the directions of the Tribunal

7. I find there is no typographical error and error apparent on the face of the record. Accordingly I reject the review application as observed above. No costs.



(G. Shanthappa)
Judicial Member

aa.

पृष्ठांकन सं. ओ/व्या.....ज्येष्ठां, दि.....
पात्रितिवारी दिन १०-३-०६
 (1) गवर्नर, राज्य विधान सभा, लखनऊ
 (2) विधायक, लखनऊ विधान सभा, लखनऊ
 (3) विधायक, लखनऊ विधान सभा, काशीपुर
 (4) विधायक, लखनऊ विधान सभा, काशीपुर
 सूचिता एवं अवधारणा.....


M. D. Banerjee
Advocate
Jafalpur

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22.3.06