

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET


ORDERS OF THE TRIBUNAL

10.06.2008

OA No.221/2008

Mr. P.N.Jatti, counsel for the applicant

Heard the learned counsel for the applicant. For the reasons dictated separately, the OA has been disposed of at admission stage.


(M.L.CHAUHAN)
Juld.Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 10th day of June, 2008

ORIGINAL APPLICATION No.221/2008

CORAM:

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

M.P.Mehta
s/o late Shri K.L.Mehta,
r/o Banglow No.3, Ganpati Nagar,
Railway Colony, Jaipur,
Presently working as C.P.T.M.
(Chief Passenger Transportation Manager),
N.W.Railway, Jaipur

..Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. The Union of India through
the Secretary, Railway Board,
Rail Bhawan, Raisina Road,
New Delhi.
2. Shri V.N.Mathur, Member Traffic,
Railway Board,
Rail Bhawan, Raisina Road,
New Delhi.
3. Dr. Nalin Singhal,
Managing Director, Indian Railway Catering and
Tourism Corporation Ltd.
9th Floor, Bank of Baroda, Sansad Marg,
New Delhi.
4. Shri L.Saikia, CRM, Indian Railway Catering
and Tourism Corporation Ltd. East Zone,
Guwahati,
5. Shri Vivek Srivastava, G.G.M., IRCTC Ltd. East
Zone Kolkata.

.. Respondents

(By Advocate: ----
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O R D E R (ORAL)

The grievance of the applicant in this case is regarding his repatriation vide impugned order dated 27.12.2007 (Ann.A1).

2. The learned counsel for the applicant has drawn my attention to the advertisement Ann.A4 whereby 5 posts of Chief Regional Manager were required to be filled on deputation basis and the tenure was fixed as 3 years. The learned counsel for the applicant argued that the applicant has been repatriated after a period of one year, which course was not admissible to the respondents unless there was some valid reason and that too after giving advance intimation of reasonable period to the landing Ministry/Department and the employee concerned in terms of the instructions issued by the Railway Board. The learned counsel for the applicant further argued that he has also filed a representation dated 9.1.2008, but the authorities have not decided the same which resulted in filing OA No.139/08. The said OA was disposed of by this Tribunal vide order dated 24th April, 2008 at admission stage with direction to the respondents to decide representation of the applicant by reasoned and speaking order at the earliest possible. The learned counsel for the applicant submits that in order to defeat his right the applicant has been repatriated vide order dated 27.12.2007 and the respondents

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malafidely^{has} not decided representation of the applicant despite direction given by this Tribunal in earlier OA.

3. I have given due consideration to the submission made by the learned counsel for the applicant. I am of the view that action of the respondent in not deciding representation of the applicant which was filed as far back as 9.1.2008 cannot be appreciated. Accordingly, the respondents are directed to pass appropriate order on the representation of the applicant in the light of direction given by this Tribunal vide order dated 24th April, 2008 (Ann.A16) keeping in view para 8 of the instructions issued by the Railway Board (Ann.A12 at page 27 of the OA) within a period of one month from the date of receipt of copy of this order, failing which this Tribunal may pass appropriate order for the lapse on the part of the respondents to decide representation of the applicant expeditiously including imposition of cost, in case order of this tribunal is not complied with within the aforesaid period.

4. With these observations, the OA is disposed of at admission stage.



(M.L. CHAUHAN)
Judl. Member

R/