

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 13.09.2012

OA No. 630/2012 with MA No. 303/2012

Mr. Saransh Saini, counsel for applicant.

Heard learned counsel for the applicant.

O.A. and M.A. are disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

K. S. Rathore

(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 630/2012
WITH
MISC. APPLICATION NO. 303/2012

DATE OF ORDER: 13.09.2012

CORAM

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

B.L. Mahawar S/o Shri Puran Das Mahawar, aged about 43 years, R/o Gangapurcity, District Swai Madhopur (Traffic Inspector), Gangapurcity, District Swai Madhopur, last working at Gangapurcity.

....Applicant

Mr. Saransh Saini, counsel for applicant.

VERSUS

1. The Senior Divisional Commercial Manager, Western Central Railway, Kota.
2. Deputy CCM (PS), Western Central Railway, Commercial Department, Jabalpur (MP).
3. FA&CAO, Western Central Railway, Jabalpur (MP).

.... Respondents

ORDER (ORAL)

Earlier, the applicant preferred an S.B. Civil Writ Petition No. 2522/2009 before the Hon'ble Rajasthan High Court, Jaipur Bench by challenging the order dated 07th January, 2009 passed by the respondents. Learned counsel appearing for the applicant submit that while issuing notice to the respondents, the Hon'ble Rajasthan High Court, Jaipur Bench made it clear that recovery in question shall remain stayed. Thereafter, the Hon'ble Rajasthan High Court, Jaipur Bench vide order dated 26th July, 2012 dismissed the writ petition on the ground that the subject matter falls under the jurisdiction of Central Administrative Tribunal.



However, the petitioner was given liberty to approach the CAT by maintaining O.A. as per rules.

2. Pursuant to the order dated 26th July, 2012 passed by the Hon'ble Rajasthan High Court, Jaipur Bench in S.B. Civil Writ Petition No. 2522/2009, the applicant has preferred the present Original Application along with Misc. Application for seeking condonation of delay in filing the present Original Application.

3. We have heard the learned counsel appearing for the applicant and also gone through the pleadings as well as documents available on record.

4. From perusal of the record, it reveals that after passing the impugned order dated 07.01.2009 (Annex. A/1) by the respondents, the applicant has sent a legal notice for demand of justice dated 19.02.2009 (Annex. A/8) through his counsel. Admittedly, the legal notice for demand of justice dated 19.02.2009 is still pending for consideration before the respondents. In view of this fact, we are of the view that the ends of justice would be met if the respondents are directed to consider the same in accordance with the provision of law.

5. At this stage, learned counsel appearing for the applicant requests that the applicant may also be given liberty to file fresh representation taking all sorts of legal as well as factual aspect, which are taken herein in the present O.A.

6. Thus, the applicant is at liberty to file fresh representation before the respondents within a period of seven days from today. Consequently, the respondents are directed to consider and



decide the legal notice for demand of justice dated 19.02.2009 (Annex. A/8), along with the representation if the applicant so files within the stipulated period, strictly in accordance with the provision of law by passing a reasoned and speaking order expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order.

7. It is made clear that till the disposal of the legal notice for demand of justice as well as representation as indicated hereinabove, the recovery in question shall remain stayed.

8. However, if any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application.

9. With these observations and directions, the Original Application stands disposed of with no order as to costs. In view of the order passed in O.A., no order is required to be passed in M.A. for seeking condonation of delay, as such, the same is disposed of.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat