

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD**

Dated: This the 11th day of July 2018.

PRESENT:

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER – A
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER-J

Original Application No. 330/01539 of 2017

Dr. R.K. Verma aged about 45 years, S/o Shri Prem Kumar Verma, R/o Officer Rest House Loco Railway Colony, Kanpur working as Sr. D.M.O Sub Divisional Hospital North Central Railway, Kanpur (Allahabad Division).

... . Applicant

By Adv: Shri S.K. Om

V E R S U S

1. Union of India through General Manager, N.C. Railway, Headquarter Office, Subedarganj, Allahabad 211033.
2. Divisional Railway Manager (P), North Central Railway, Allahabad.
3. Chief Medical Director N.C. Railway, Allahabad.
4. Secretary, Railway Board (Establishment) Railway Bhawan, New Delhi.

. . . Respondents

By Adv: Shri Amit Kumar Rai

ORDER

BY HON'BLE MR. GOKUL CHANDRA PATI, MEMBER – A

Heard Shri S.K.Om counsel for the applicants and
Shri Amit Kumar Rai counsel for the respondents.

2. The applicant has filed this OA seeking following reliefs –

- “(i) to issue a writ order or direction in the nature of certiorari quashing the order dated 22.3.2016 (Annexure 1) and the order dated 10.7.2017 (Annexure 2) passed by respondents.*
- (ii) To issue a writ order or direction in the nature of mandamus commanding the respondents to prepone the date of promotion/financial upgradation of the applicant in the light of the order dated 10.8.2015 regularizing the study leave from 5.5.2003 to 15.5.2006 as EOL.*
- (iii) to issue a further writ order or direction in the nature of mandamus commanding the respondents to grant the benefit of the Railway Board circular issued from time to time and thereby prepone the benefit of DACP scheme, and assign the same, qua his immediate junior Dr. Charu Chandra Saxena.*
- (iv) to pass any other suitable order or direction which this Hon’ble Tribunal may deem fit and proper under the circumstances of the case.*
- (v) to grant all the consequential reliefs for which the applicant is entitled for.*
- (vi) to award the cost of the present O.A. in favour of the applicant”.*

2. At the outset, learned counsel for the applicant submitted that his grievance may be redressed if a direction is given to the competent authority to re-consider the representation of the applicant dated 1.9.2015 (Annexure A-10) which has been rejected by the respondents vide the impugned orders dated 22.3.2016 and 10.7.2017. It was further submitted that while re-considering the issue, the Railway Board Circulars dated 31.3.2014 (Annexure A-9) and dated 2.7.2008 (Annexure A-7) and the order dated 10.08.2015 (Annexure A-6) should be taken into account.

3. Learned counsel for the respondents wanted sometime to file short counter affidavit on this issue. In view of the limited prayer made by the applicant's counsel, the request of the respondents' counsel for sometime is rejected and without commenting anything on the merits of the case including the issue of limitation, the O.A is disposed of with a direction to the respondents/competent authority to re-consider the representation dated 1.9.2015 (Annexure A-10) of the applicant in the light of Railway Board Circulars dated 31.3.2014 (Annexure A-9) and 2.7.2008 (Annexure A-7) as well as the order dated 10.08.2015 (Annexure A-6) and pass a fresh speaking order within two months from the date of receipt of a certified copy of this order. No order as to costs.

Member (J)

Member (A)

Manish/-