

**ORAL**

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH, ALLAHABAD

(This the **4<sup>th</sup>** Day of **September**, 2018)

**Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)**  
**Hon'ble Mr. Mohd. Jamshed, Member (Administrative)**

**Original Application No.330/1527/2017**

(U/S 19, Administrative Tribunal Act, 1985)

Raj Kishor Pandey aged about 63 years, Son of Late Ram Pratap Pandey, Resident of House No.660H, Vishnu Nagar Mediyagarh, District Gorakhpur.

..... **Applicant**

**By Advocate:** **Shri Vinod Kumar**

Versus

1. Union of India, through General Manager, North Eastern Railway, Gorakhpur.
2. Chief Yantrik Workshop North Eastern Railway, Gorakhpur.
3. Senior Personnel Officer, Yantri Workshop North Eastern Railway, Gorakhpur.

..... **Respondents**

**By Advocate:** **Shri A.K. Rai**

**O R D E R**

**Delivered by Hon'ble Mr. Justice Bharat Bhushan, Member (J)**

Shri Vinod Kumar, Advocate, is present for the applicant. Shri A.K. Rai, Advocate is present for the respondents.

2. On the last occasion counsel for the respondents had raised the question of delay of more than 10 years.
3. Learned counsel for the applicant today has relied upon the judgment of Apex Court in the case of **M.R. Gupta vs. Union of India &**

**Ors. Reported in 1995 Law Suit (SC) 785**, wherein it has been held that there are continuous cause of action.

4. Considering all the facts and circumstances of the case, it is concluded that there is no delay in filing the Original Application. Therefore, there is no need to the applicant to file any application for Condonation of delay.

5. It appears that departmental inquiry was conducted against the applicant. Thereafter, he was removed from service from 05.01.2015 on the allegation of unauthorized absent. Departmental appeal was filed. Appellate Authority set aside the removal order passed by the Disciplinary Authority and modified the punishment order of removal to the extent that the applicant was reverted from the post of Chief Clerk to Senior Clerk Pay Scale for a period of one year. The applicant submits that after one year he should have been restored to his original post but the department has failed to restore him in his original post. He moved several representations but no decision has been taken.

6. Learned counsel for the applicant seeks decision of his representation by speaking order.

7. We believe that grievance of applicant would be redressed by passing a detailed speaking order on his representation annexing as Annexure A-8. Hence, without commenting anything on the merits of the case, the OA is disposed off with the direction to the applicant to

move a copy of this representation again to the respondent No.1/Competent Authority within a period of one month along with certified copy of this order and if the same is filed by the applicant within stipulated period of time, the respondent No.1/Competent Authority is directed to decide the same by reasoned and speaking order within a period of one months from the date of receipt of such representation. No costs.

**(Mohd. Jamshed)**  
Member (A)

**(Justice Bharat Bhushan)**  
Member (J)

Sushil