

**Central Administrative Tribunal, Allahabad Bench,
Allahabad**

**Civil Misc. Recall Application No. 330/01771/2017 in
Original Application No.330/01610/2016**

Reserved on 7.3.2018

Pronounced on 8.3.2018

Hon'ble Mr. Justice Dinesh Gupta, Member (J)

Narayan Prasad son of late Nanku resident of village & Post Dhata, District- Fatehpur.

Applicant

By Advocate: **Sri M.K.Singh**

Versus

- i) Union of India through General Manager, North Eastern Railway, Gorakhpur.
- ii. General Manager, North Eastern Railway, Gorakhpur.
- iii. Divisional Railway Manager, North Eastern Railway, Lucknow.
- iv. Station Superintendent, Anwarganj, North Eastern Railway, Kanpur..

Respondents

By Advocate: **Sri R.C. Gupta II**

By Hon'ble Mr. Justice Dinesh Gupta, Member (J)

Applicant has moved O.A. No. 1610/2016 for a direction to the respondents to decide the pending representation of the applicant by passing a reasoned and speaking order which the applicant has filed before the respondents for taking a decision regarding pension and other retiral benefits.

2. This Tribunal vide order dated 1st day of August, 2017 disposed of the with direction to respondent No. 2 to decide the pending representation of the applicant dated 15.10.2016.

3. Now, learned counsel for respondent filed Recall Application No. 330/01771/2017 for recalling the order 1st August, 2017.

4. Learned counsel for respondents also file Civil Misc. Application No. 330/01772/2017 for deletion of respondent No. 2, 3 and 4 from the array of parties on the ground that respondent No. 2 i.e. General Manager , NCR Allahabad is not the competent authority to decide the claim of the applicant as the applicant has not worked under the North Central Railway. The applicant worked on the post of Safaiwala on 15.11.1973 in Medical Department at Kanpur which comes under the jurisdiction of North Eastern Railway, Gorakhpur. As such grievance of the applicant can only be settled by the North Eastern Railway, Gorakhpur. Accordingly, respondents requested to delete the name of respondents No. 2,3 and 4 from the array of parties. Counsel for applicant also submitted that applicant has not moved any representation to the authority of North Eastern Railway, hence he may be permitted to file fresh representation before the N.E.R. authorities and for that purpose order passed by this Tribunal is also required modification.

5. Heard the learned counsel for parties on recall application as well as on deletion application.

6. From perusal of annexure No. A-2 which is a service book for casual labour issued by the Inspector of Works, North Eastern Railway, Kanpur Anwarganj in respect of the appointment of applicant, it is clear that applicant was

working under North Eastern Railway but he has made General Manager, North Central Railway, Allahabad, Divisional Rail Manager, North Central Railway, Kanpur and Station Superintendent, Anwarganj, North Central Railway, Kanpur as respondents in the O.A. and this Tribunal vide order dated 1.8.2017 directed the respondent No. 2 i.e. General Manager, North Central Railway (NCR), Allahabad to decide the representation of the applicant dated 15.10.2016 who is not the competent authority to decide the representation of the applicant.

7. Accordingly, recall application and deletion application are allowed. Applicant is directed to carry out necessary amendment in the O.A. and delete the name of respondents No. 1 to 4 from the array of parties and will implead the respondents as follows:-

- i) Union of India through General Manager, North Eastern Railway, Gorakhpur.
- ii. General Manager, North Eastern Railway, Gorakhpur.
- iii. Divisional Railway Manager, North Eastern Railway, Lucknow.
- iv. Station Superintendent, Anwarganj, North Eastern Railway, Kanpur.

8. Heard the learned counsel for applicant Sri M.K.Singh and learned counsel for respondents Sri R.C. Gupta II on the O.A.

9. The only grievance of the applicant is that he worked with the respondents' department upto 2005 and thereafter, due to his mental imbalance, he left the job. However, the respondents have not taken any decision regarding pension

and other retiral benefits. He moved a representation on 15.10.2016 wrongly to General Manager, North Central Railway. When the respondents have not decided the same, he filed this O.A. Vide order dated 7.3.2018, the applicant was directed to carry out the necessary amendment in the O.A. and applicant carried out the necessary correction in the O.A.

10. Counsel for applicant submitted that O.A. is not maintainable as the applicant has not made any representation to the General Manager, North Eastern Railway or Divisional Railway Manager, North Eastern Railway who are the competent authority to decide the same.

11. Since the applicant has not moved any representation to the General Manager, North Eastern Railway or Divisional Railway Manager, North Eastern Railway, hence he is directed to move a fresh representation to the newly amended respondent No.3 i.e. Divisional Railway Manager, North Eastern Railway, Lucknow along with certified copy of this order who will decide the same by reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order and will also intimate the decision taken by him to the applicant. It is made clear that the Court has not entered into the merit of the case.

12. With the above direction, O.A. stands disposed of . No order as to costs.

**(Justice Dinesh Gupta)
Member (J)**

HLS/-