

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.35/2014

New Delhi, this the 26th day of May, 2016

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Shri Y. S Tanwar,
S/o Shri Bhim Singh Tanwar
Working as Asstt. Manager,
Under Northern Railway,
Alambagh, Lucknow (U.P.)

.....Applicant

(By Advocate : Mr. M.S. Reen)

Versus

Union of India & Others : through

1. The Secretary,
Ministry of Railway
Railway Board,
Rail Bhawan, New Delhi.
2. The General Manager,
Northern Railway
Headquarter's Office
Baroda House, New Delhi.
3. The Controller of Stores,
Northern Railway,
Headquarter's office
Baroda House, New Delhi.
4. Mr. Manoj Kumar
A.M.M.,
Northern Railway,
Headquarter's office
Baroda House, New Delhi.
5. Shri K.D. Singh,
A.M.M.,
Northern Railway,
C & W Store Depot.,
Amritsar (Punjab).

6. Mr. Isham Singh,
A.M.M.
Northern Railway,
Headquarter's office
Baroda House, New Delhi.

7. Mr.Janak Singh
A.M.M.
Northern Railway,
Headquarter's office
Baroda House, New Delhi. Respondents

(By Advocate: Mr.Satpal Singh)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

The learned counsel for the applicant states that he is now pressing for only the relief prayed for in para 8.3 and not other reliefs of para 8 of the OA. The relief prayer 8.3 of the OA is as follow:-

"That this Hon'ble Tribunal may graciously be pleased to direct the respondents to dispose of the representation dt. 25.11.2011 followed by reminders dated 01.01.2013 and 03.04.2013 in terms of the Rule 208.3 of IREM Volume-I without any delay."

2. It is stated that the respondents may be directed to dispose of his representation dated 25.11.2011 in accordance with the rules by passing a reasoned and speaking order.
3. We find that the respondents in their reply in para 4.16 & 4.17, have stated that "No representation dated 25.11.2011 was

received in office". However, from Annexure A-10 and Annexure A-11, it is seen that it has been received by the General Manager, Northern Railway Headquarter's Office, Baroda House, New Delhi- respondent No.2 and the Controller of Stores, Northern Railway, Headquarter's office, Baroda House, New Delhi – respondent No.3. Moreover, the learned counsel for the applicants pointed out that as per IREM No. 208.3 "Representation against selections should be dealt with on merits without restrictions of any time limit for their submission."

4. Be that as it may, this OA had been filed on 03.01.2014 and natural justice requires that Railways at least examine his representation, which they failed to do in the past four years, and take a view, instead of taking the stand that his representation has not been received in the office.

5. We, therefore, dispose of this OA, at this stage, without going into the merits of the case, with a direction to the respondents to consider the representation of the applicant dated 25.11.2011 and pass a reasoned and speaking thereon, within a period of two months. No costs.

**(Dr. Brahm Avtar Agrawal)
Member (J)**

**(P.K. Basu)
Member A)**

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