

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

OA No.2823/2017

New Delhi this the 21st day of August, 2017

Hon'ble Mr. Shekhar Agarwal, Member (J)
Hon'ble Mr. Raj Vir Sharma, Member (A)

Shri Pradeep Kumar Sharma
Aged 57
S/o Late Baij Nath Sharma
Working as Commercial Instructor
(Group-C)
Under Zonal Railway Training School
Chandausi
(U.P.).

... Applicant

(By Advocate: Shri Manjeet Singh Reen)

VERSUS

Union of India & Others : through

1. The Secretary
Ministry of Railways
Railway Board
Rail Bhawan, New Delhi.
2. The General Manager
Northern Railway
Baroda House, New Delhi.
3. The Divisional Railway Manager
Northern Railway
Moradabad Division
Moradabad (U.P.).

... Respondents

O R D E R (Oral)

Hon'ble Mr. Shekhar Agarwal, Member (A):

This OA has been filed seeking the following reliefs:

- "8.1 That this Hon'ble Tribunal may graciously be pleased to direct the respondent no.2 (i.e. General Manager Northern Railway, Baroda House, New Delhi) to examine the case of the applicants in the light of Nand Kishore case as well as Nabi Mohd's, Kusum Maliks' & Raja Ram's case & Mr. Gajadhar Singh & Others as well

as Mr. Gabar Singh Rawat and decided their pending representation dated 25.7.2017 with all consequential benefits.

- 8.2 That this Hon'ble Tribunal may graciously be pleased to direct the respondents to extend the same benefits to the applicants which was extended to Shri Nand Kishore & Others in O.A. No.551/2002 upheld upto the level of Hon'ble Supreme Court later on the respondents vide their order dated 11.1.2012 implemented the direction of this Hon'ble Tribunal as well as Nabi Mohd's case in O.A. No.1706/2008 and Kusum Maliks' & Raja Ram's case & Gabar Singh Rawat case both judgments have been implemented by the same respondents and same benefits extended to other similar colleagues of the applicant.
- 8.3 That any other or further relief which this Hon'ble Tribunal may be deem fit and proper under the circumstances of the case may also be granted in favour of the applicants.
- 8.4 That the cost of the proceedings may also be awarded in favour of the applicants."

2. The applicant is relying on the judgment of this Tribunal in OA No. 551/2002 titled **Nand Kishore and Ors. Vs. Union of India**. The aforesaid judgment was affirmed by Hon'ble High Court vide Writ Petition No. 1932/2005 by their order dated 01.11.2010. SLP filed against the order of Hon'ble High Court was dismissed on 21.10.2011. This order has also been followed by Principal Bench of this Tribunal in OA No. 4289/2014 titled **Shahid Ali Khan Vs. Union of India** and other connected matters decided on 04.12.2014.

3. Learned counsel for the applicant submitted that the applicant was seeking a direction to the respondents to extend similar benefits to him as were given to the applicants of the OAs mentioned above. Applicant made a representation on 25.07.2017. However, the respondents have not yet taken a decision on the same. Applicant is seeking directions to the respondents to dispose of his representation within a given time frame.

4. Accordingly, we dispose of this OA at the admission stage itself without issuing notice to the respondents and without going into the merits of the case with a direction to them to decide the aforesaid representation of the

applicant in the light of aforementioned judgments by means of a reasoned and speaking order within a period of sixty days from the date of receipt of certified copy of this order.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

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