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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

...

Original Application No.290/00267/2016

This, the 18th day of September, 2018.

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CORAM:

HON'BLE SMT. HINA P. SHAH, MEMBER (J)

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Ashok Chandra S/o Shri Shankar Lal, aged 61 years, R/o K-822, Gali No.21, Indra Colony, Kamla Nehru Nagar, Jodhpur.

...APPLICANT

BY ADVOCATE : Ms. Premlata Gour

VERSUS

1. The Union of India through the General Manager, North-Western Railway, Head Quarter, Jaipur.
2. The Divisional Railway Manager, Jodhpur Division, North Western Railway, Jodhpur.
3. The Divisional Commercial Superintendent, Jodhpur Division, North Western Railway, Jodhpur.

RESPONDENTS

BY ADVOCATE : Mr. Girish Sankhala

ORDER (ORAL)

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The applicant filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs:-

“(i) It is, therefore, humbly prayed that this Hon'ble Tribunal may kindly be please to accept and allow this original application and the respondents may be directed to refund the amount deducted from the applicant's retiral benefits with interest @ 24% p.a. from the date same fall due.

(ii) That any other appropriate order or direction which this Hon'ble may deem fit, just and proper may also be passed in favour of the applicant.”

2. Heard learned counsels for both sides.

3. During the course of arguments, learned counsel for the respondents has raised a preliminary objection that the applicant has not availed the departmental remedies available to him and directly approached this Tribunal by way of filing the present Original Application. Therefore, the OA is not maintainable.

4. On the other hand, learned counsel for the applicant submitted that at this stage the applicant would be satisfied if the present Original Application is disposed of with a direction to the respondents to treat this OA as a

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representation filed by the applicant and to decide the same in accordance with rules.

5. After considering the submissions made by the learned counsels for both sides and perused the material available on record, I am inclined to dispose of this Original Applicant, without going into the merits of the case, with certain directions:-

(i) The applicant may file a detailed representation along with all its supportive documents before the competent authority within a period of two weeks from the date of receipt of a copy of this order.

(ii) The competent authority shall decide the same within a period of 2 months from the date of receipt of such representation, in accordance with law by passing a reasoned and speaking order.

(iii) If any adverse order passed in favour of the applicant, he is at liberty to approach the appropriate forum.

7. Accordingly, the OA is disposed of as stated above. No order as to costs.

(HINA P. SHAH)

MEMBER (J)

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