

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 5th day of **March**, 2019

Present :

Hon'ble Ms. Ajanta Dayalan, Member-A**Hon'ble Mr. Rakesh Sagar Jain, Member-J**

Original Application No.330/00212/2019

Vijay Prakash Saxena, aged about 59 years, S/o Late Mahesh Chandra, working as Carpenter-I, T. No.90841967 P.M. Shop Workshop (Chief Works Manager), Izzat Nagar, Bareilly. R/o Aakancha Enclave, Munshi Nagar, Bareilly.

.....Applicant.

By Advocate –Shri R.K. Dixit

V E R S U S

1. Union of India through the General Manager, North Eastern Railway, Headquarter Office, Gorakhpur.
2. Chief Work Manager, Izzat Nagar, Bareilly.
3. Divisional Electrical Engineer/Workshop, Izzat Nagar, Bareilly.
4. Dy. Work Manager (Personnel), Izzat Nagar, Bareilly.

..... Respondents.

By Advocate : Shri P.K. Rai

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member-A :

Heard Shri R.K. Dixit, counsel for the applicant and Shri P.K. Rai, counsel for the respondents.

2. Learned counsel for the applicant states that vide impugned order dated 23.06.2003, the applicant has been reduced from the pay scale of Rs. 4700 to 4200/- with cumulative effect on permanent basis without fixing any period of time. The applicant appealed against this order vide application dated 22.07.2003 (Annexure-A-2). However, no order has been passed on his appeal. Learned counsel for the

applicant states that on the same charges the applicant was punished in criminal offence and has been acquitted vide order dated 19.01.2016 of Additional Chief Judicial Magistrate, Bareilly. Therefore, he states that he may be granted the benefit of this acquittal in disciplinary proceeding case as well.

3. Learned counsel for the applicant also states that the order passed is contrary to Rule 6(v) of the Railway Servants (Disciplinary & Appeal) Rule 1968. He states that he will be satisfied in case a direction is issued to the respondents' department to decide the representation dated 27.12.2018 (Annexure-A-9) of the applicant within a stipulated period of time.

4. Learned counsel for the respondents has no objection to this limited prayer of the applicant's counsel.

5. In view of the limited prayer made by the counsel for the applicant, the respondent No.2/Competent Authority amongst the respondents is directed to decide the representation of the applicant dated 27.12.2018 (Annexue-A-9) within a period of two months from the date of receipt of certified copy of this order. The order so passed shall be communicated to the applicant.

6. It is made clear that this order does not constitute any expression or opinion on the merits of the case.

7. In view of the above direction, the OA is disposed of. No costs.

Member-J

Member-A

RKM/