

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH ALLAHABAD.**

Dated : This the 5<sup>th</sup> day of April, 2019

**Civil Misc. Execution Application No.16 of 2012**  
in  
**Original Application No. 330/01550 of 2002**

**Hon'ble Ms. Ajanta Dayalan, Member – A**

Shyam Lal, Son of Ganga Ram, aged about 57 years,  
Resident of Village Dharikpur, Post Office Ahmadabad,  
Tehsil Sadar, District Etah.

. . .Applicant

By Adv : Shri S.K.Singh Vashisth

**V E R S U S**

1. Union of India, through the General Manager, North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager (Karmik) Izzatnagar, Bareilly.
3. The Assistant Engineer, North Eastern Railway, Fatehgarh.
4. The Permanent Working Inspector II, Kanpur, Farrukhabad.

. . .Respondents

By Adv: Shri S.K. Ray.

**O R D E R**

**Delivered by Hon'ble Ms. Ajanta Dayalan, Member - A**

Heard Shri S.K. Singh Vashisth, learned counsel for the applicant  
and Shri S.K. Ray, learned counsel for the respondents.

2. Learned counsel for the applicant states that he is pleading for execution of order dated 19.04.2005 (Annexure A-1) of this Tribunal vide which the case of the applicant was directed to be considered for regularization in accordance with the rules in extant as of 1997. This

Tribunal order further states that this direction is issued despite the fact that the applicant had crossed 43 years of age. This was in view of the peculiar circumstances of the case as it was only in 2002 that the respondents admitted that Shri Shiv Pal, who got the same benefit, was junior to the applicant. The case was not to be quoted as precedent.

3. Learned counsel for the applicant states that this order is yet to be complied with by the department even though the order has been passed in 2005 and the OA has been filed way back in 2012.

4. Learned counsel for the respondents admits that they have not passed any order in compliance of this Judgment dated 19.04.2005 and also states that they have not filed any writ petition before the Hon'ble High Court.

5. It is observed that though the execution application is pending since 2012, on number of occasions, the applicant's counsel has been absent and the case has been pursued only intermittently from their side.

6. It is also felt that as the Tribunal has only ordered for consideration of the case keeping in view the Rules as existing at that point of time, there should have been no difficulty for the department to implement the same, keeping in view all relevant factors like rules at that point of time and service of the applicant.

7. In view of the above, the competent authority amongst the respondents is directed to comply with the order of this Tribunal dated

19.04.2005 (Annexure A-1) keeping in view the relevant rules existing in 1997 as well as service rendered by the applicant by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order and communicate the decision to the applicant.

8. The Execution application is disposed of accordingly. No costs.

**(Ms. Aajanta Dayalan)**  
Member (A)

/Neelam/