

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/629/2014

DATE OF ORDER: 02.04.2019

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER

Prathviraj Gurjar S/o Shri Prahlad Gurjar, aged about 30 years, Resident of Gram Manda Gurjar, Post Narauli Dang, Tehsil Sapotara, Distt. Karauli (Raj.), presently dismissed from service while posted as Gang Man in the office of Asst. Divisional Engineer West Central Railway, Gangapurcity.

....Applicant

Mr. Vinod Goyal, counsel for applicant.

VERSUS

1. Union of India through General Manager, West Central Railway, Jabalpur, M.P.
2. The Divisional Railway Manager, Kota.
3. The Asst. Divisional Engineer, West Central Railway, Gangapurcity.

....Respondents

Mr. L.M. Bhardwaj, proxy for
Mr. Y.K. Sharma, counsel for respondents.

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief: -

- “(i). By an Appropriate order or direction, the impugned order dated 31.05.2014 (Annex.A/1) in which reference of the order dated 25.04.2014 has been made and the order dated 17.10.2014 (Annex. A/2) may kindly be quashed and set aside and respondents be directed to

reinstated the applicant in service with all consequential benefits including seniority and promotion.

- ii). Any other order which appears to be just and correct in the interest of justice may also be passed.”

2. At the very outset, learned counsel for the applicant submitted that the applicant would be satisfied if a direction is issued to the respondents to revisit the order dated 17th October, 2014 (Annexure A/2) and a fresh order is passed in terms of principles laid down by the Hon’ble Supreme Court in the case of **Avtar Singh vs. Union of India & Ors.**, (2016) 8 SCC 471.

3. In view of the above limited prayer made by learned counsel for the applicant, the Original Application is disposed of with a direction to respondents to revisit the order dated 17th October, 2014 (Annexure A/2) and pass a reasoned and speaking order while keeping in view the principles laid down by the Hon’ble Supreme Court in **Avtar Singh’s** case (supra). The applicant shall also be afforded an opportunity of hearing while revisiting the order dated 17th October, 2014 (Annexure A/2). The whole exercise shall be undertaken within a period of two months from the date of receipt of a certified copy of this order.

Ordered accordingly. No order as to costs.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER