

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00323/18

Jodhpur, this the 18<sup>th</sup> December, 2018

**CORAM**

**Hon'ble Mr Suresh Kumar Monga, Judicial Member  
Hon'ble Ms Aradhana Johri, Admn. Member**

Tarakeshwar Nath Diwedi S/o Shri Ramgopal Diwedi by caste Brahmin, Aged 46 years, R/o Quarter No. 2333, Diesel Shed Colony, Bhagat Ki Kothi, Jodhpur presently working as Loco Pilot (Goods) under SSE Loco Jodhpur, Jodhpur Division, Jodhpur.

.....Applicant

By Advocate: Mr Dilip Vyas.

**Versus**

1. Union of India through General Manager, NW Railways, Malviya Nagar, Jawahar Circle, Jaipur-302001.
2. The Divisional Rail Manager, North West Railway, Jodhpur-342001.
3. The Senior Divisional Personnel Officer, North Western Railway, Jodhpur-342001.
4. The Senior Divisional Mechanical Engineer (Diesel), North West Railway, Jodhpur.

.....Respondents

By advocate : Mr Dhirendra Pandey proxy counsel for  
Mr V.K. Vyas.

**ORDER (Oral)****Hon'ble Mr S.K. Monga**

Heard.

2. Mr Dilip Vyas, learned counsel for the applicant states that order of recovery dated 12.09.2018 (Annex. A/1) has been passed by the respondents without affording any opportunity of hearing to applicant and, therefore, the impugned order is contrary to the principles of natural justice and the same cannot be sustained in eye of law. He further states that after the said order dated 12.09.2018, the applicant filed a representation before the respondents on 11.10.2018 (Annex. A/5), which has not been decided by them as yet.

3. In view of the above, without going into the merits of the case at this stage, we deem it appropriate to dispose of the present OA by issuing a direction to respondent No. 2., i.e. The Divisional Rail Manager, North West Railway, Jodhpur to dispose of the applicant's aforesaid representation in a time frame.

4. Accordingly, the present OA is disposed of with a direction to respondent No. 2 to decide the applicant's representation dated 11.10.2018 (Annex. A/5) by way of passing a reasoned and speaking order within a period of 06 weeks from the date of receipt of a certified copy of this order. A further direction is issued that the applicant shall also be afforded an opportunity of

hearing before taking any decision over his representation. Recovery pursuant to order dated 12.09.2018 (Annex. A/1) shall remain stayed till such time the applicant's representation is pending with the respondents.

**(ARADHANA JOHRI)**  
**Member (A)**

**(SURESH KUMAR MONGA)**  
**Member (J)**

Ss/-