

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 4515/2018
M.A. No. 5129/2018
M.A. No. 5130/2018

The 10th day of December, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

1. National President,
Group-B, Age 68 years,
Indian Railways Health & Malaria
Inspectors Association, New Delhi
18/6, Railway Colony,
Kishan Ganj, Delhi-110007
Through Jagjit Singh.

2. Shri Ajay Shama,
Age 48 years, Group-B
S/o Shri J.P. Sharma,
Assistant General Secretary IRHMIA,
Health & Malaria Inspector Grade-I,
Nizamuddin Railway Station, New Delhi
R/o 71, Banu Enclave,
Road No.42, Pitampura-34. .. Applicants

(By Advocate: Mrs. Meenu Mainee)

Versus

Union of India through :

1. Chairman Railway Board,
Ministry of Railways,
Railway Board,
Rail Bhawan, New Delhi.

2. Secretary,
Railway Board,
Ministry of Railways,
Rail Bhawan, New Delhi.

3. General Manager,
Northern Railway,
Baroda House, New Delhi.
4. Principal Chief Medical Director,
Northern Railway,
Baroda House,
New Delhi.
5. Principal Chief Commercial Manager,
Northern Railway,
Baroda House, New Delhi. ... Respondents

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard the learned counsel for the applicants.

2. MA 5129/2018 filed for joining together is allowed.
3. MA 5130/2018 filed for seeking exemption is also allowed.
4. The 1st applicant is an Association and the 2nd applicant is an individual affected party, who jointly filed the O.A. seeking the following relief(s):

“8.1 That the Hon’ble Tribunal may graciously be pleased to allow this application and direct the railway board to decide the representations made by the applicants and Trade Unions. The Hon’ble Tribunal may also be graciously pleased to set aside the impugned order No.06/TG-IV/10/Sanitation Policy, dt. 4.1.2007 passed by Railway Board (Annexure A-I) and letter of even number dt. 20.12.2006 passed by Railway Board (Annexure A-1A). That the applicant is further aggrieved by impugned order No.177-MC/Cleanliness/Policy/08, dt. 31.7.2013 passed by Northern Railway (Annexure A-1B) and letter No.177-MC/Cleanliness/Policy/08, dt. 28.11.2013 passed by

Northern Railway (Annexure A-1C) and restore the system prevailing before 31.7.2013 which are arbitrary and discriminatory.

- 8.2 That the Hon'ble Tribunal may further graciously be pleased to pass any other or further order as may be deemed fit and proper in the facts and circumstances of the case.
- 8.3 That the Hon'ble Tribunal may further be graciously be pleased to grant costs against the respondents and in favour of the applicant."

5. It is submitted that the applicants made number of representations ventilating their grievances to the respondents. In pursuance of the same, the General Manager of the Northern Railway vide letters dated 07.11.2016 and 20.04.2018, which are enclosed to the O.A., requested the Secretary (Establishment), Railway Board, New Delhi to communicate its decision at the earliest. It is further stated that inspite of the same, the 2nd respondent – Railway Board has not taken any decision thereon.

6. In the circumstances, the O.A. is disposed of, without going into the other merits of the case, by directing the 2nd respondent to consider the representations of the applicants, read with the letters of the General Manager, Northern Railway dated 07.11.2016 and 20.04.2018, and to take a final decision on the claim of the applicants and to pass appropriate speaking and reasoned orders

thereon, in accordance with law, within a period of 90 days from the date of receipt of a certified copy of this order. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

(A.K. BISHNOI)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Jyoti /