

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 7th Day of May, 2019)

Hon'ble Ms. Ajanta Dayalan, Member (Administrative)
Hon'ble Mr. Rakesh Sagar Jain, Member (Judicial)

Original Application No.330/768/2018
(U/S 19, Administrative Tribunal Act, 1985)

Ram Abhilash s/o Ram Pratap, Village – Sanwdeeh Chhedi Ka Pura, Phulpur,
District – Allahabad.

..... **Applicant**

By Advocate: Mohd. Yaseen

Versus

1. Union of India, through Secretary Ministry of Railway, Government of India, New Delhi.
2. Divisional Rail Manager (NER) Lucknow Division Lucknow.
3. Senior Division Personal officer (NER) Lucknow.
4. Assistant Divisional Engineer (NR) Prayag.
5. Senior Section Engineer P. Way NR Prayag.

..... **Respondents**

By Advocate: Shri G.K. Tripathi

ORDER

Delivered by Hon'ble Ms. Ajanta Dayalan, Member (Administrative)

Modh. Yaseen, Advocate, is present for the applicant. Shri G.K. Tripathi, Advocate is present for respondents.

2. Counsel for the applicant states that this OA has been filed by the applicant who has applied for VRS under the LARSGESS Scheme

for appointment of his dependent Chandrajeet Yadav. In this connection, his representation dated 05.11.2016 (Annexure A- 'A') was made by which it was informed that case of the applicant could not be considered due to R.P.F. case pending in Allahabad at that point of time.

3. Counsel for the applicant also states that now ACJM (Railway) Allahabad has acquitted him from all the charges. He also drew our attention towards the order dated 28.09.2018 (Annexure No.1 to Supplementary Affidavit) passed by Ministry of Railways by which it was directed that where appointment of whose wards was not made due to various formalities, such appointment can be made with the approval of the competent authority.

4. Counsel for the applicant further states that he will be satisfied if a direction is issued to the respondents to decide his representation dated 05.11.2016 (Annexure A- 'A') in the light of the order dated 28.09.2018 passed by the Ministry of Railway in time bound manner.

5. Learned counsel for the respondents has no objection on the limited prayer made by the applicant.

6. In view of the limited prayer made by counsel for the applicant, the instant Original Application is disposed of with the direction to the Competent Authority amongst the respondents to take a decision on the representation of the applicant dated 05.11.2016 (Annexure A- 'A') and decide the same in the light of the order dated 28.09.2018

(Annexure No.1 to Supplementary Affidavit) passed by the Ministry of Railway as well as rules and other relevant factors within a period of three months from the date of receipt of certified copy of this order. The decision so taken shall be communicated to the applicant.

7. Needless to say that this order be not construed as any opinion or expression on the merits of the case. No costs.

(Rakesh Sagar Jain)
Member (Judicial)

(Ms. Ajanta Dayalan)
Member (Administrative)

Sushil