

**Central Administrative Tribunal
Madras Bench**

OA 310/00712/2019

Dated Wednesday the 12th day of June Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. T. Jacob, Member (A)

N. Palani
No. 1/27, Sri Kverirajupettai
Bommarajupet Post
Podatturpet Via
Pallipat Taluk
Tiruvallur District 631 208.

... Applicant

By Advocate **Mr. P. Srinivasan**

1. Union of India
The General Manager
Southern Railway, Chennai 600 003.
2. The Divisional Railway Manager
Southern Railway, Chennai 600 003.
3. The Senior Divisional Personal Officer
O/o Divisional Railway Managers Personal Office
Southern Railway, Chennai 600 003.

... Respondents

By Advocate **Mr. P. Srinivasan**

ORAL ORDER

Pronounced by Hon'ble Mr. T. Jacob, Member(A)

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To issue suitable direction, directing the 3rd respondent to consider the applicant's representation letter dated 30.03.2018, pass orders on it and pass such further or other orders”

2. It is submitted that the applicant made Annexure A11 representation dated 30.03.2018 seeking to reinstate him with all backwages and other benefits. But till date there is no response from the respondents. Hence this OA.
3. Learned counsel for the applicant would submit that the applicant would be satisfied if the competent authority is directed to consider his Annexure A11 representation dt. 30.03.2018 within a time frame stipulated by this Tribunal.
4. Mr. P. Srinivasan takes notice for the respondents.
5. Keeping in view the limited prayer of the applicant and without going into the substantive merits of the case, the OA is disposed of with a direction to the respondents to consider Annexure A11 representation of the applicant dated 30.03.2018 in accordance with law and pass a reasoned and speaking order within a period of three months from the date of receipt of copy of this order. This order,

however is subject to the word of caution administered by the Hon'ble Apex Court in the case of Union of India Vs M. Sarkar (2010) 2 SCC 59, wherein the Apex Court has held as under:-

“16. If the court or tribunal deciding to direct “consideration” without itself examining the merits, it should make it clear that such consideration will be without prejudice to any contention relating to limitation or delay and latches. Even if the court does not expressly say so, that would be the legal position and effect.”

6. The OA is disposed of at the admission stage.

(T. Jacob)
Member(A)
12.06.2019

AS