

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/190/2018**

**DATE OF ORDER:** 16.09.2019

**CORAM**

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

Kamal Singh Gurjar S/o Shri Jamna Lal Gurjar, aged about 28 years, resident of Village Rani Ka Bas, Tehsil Baswa, District Dausa, Rajasthan, terminated from the post of Track Man, Gang No. 9 under SSE (PW I, Bandikui, District Dausa (Raj.).

....Applicant

Ms. Ritu Pathak, proxy counsel for  
Mr. H.L. Gothwal, counsel for applicant.

**VERSUS**

1. General Manager, North Western Railway, Near Jaipur Railway Station, Jaipur PIN 302006.
2. Assistant Divisional Engineer, North West Railway, Bandikui, District Dausa (Raj.) PIN 303313.

....Respondents

Mr. M.K. Meena, counsel for respondents.

**ORDER (Oral)**

**Per: Suresh Kumar Monga, Judicial Member**

Aggrieved by an order dated 12.11.2013 (Annexure A/1), vide which the applicant's services were terminated by the respondents, the Original Application No. 801/2013 was preferred before this Tribunal, which came to be dismissed on 27.05.2016. The said order passed by this Tribunal was affirmed by the Hon'ble High Court of Rajasthan at Jaipur vide order dated 10.01.2017 passed in D.B. Civil Writ Petition No. 10162/2016. Still dissatisfied, the applicant preferred a Petition for Special Leave to Appeal (C) No. 8655/2017 before the

Hon'ble Supreme Court of India, which was decided vide order dated 27.03.2017 with the following observations: -

"We find no reason to entertain this special leave petition, which is, accordingly, dismissed.

However, the learned counsel for the petitioner submits that after the criminal case is concluded, subject to the outcome of the said case, the petitioner may be permitted to make a representation to the Competent Authority. It is for the petitioner to take appropriate steps, in view of the above submission, at the appropriate stage.

Pending application(s), if any, shall stand disposed of."

2. After the aforesaid order passed by the Hon'ble Supreme Court, the criminal trial concluded and a judgement was passed by the Judicial Magistrate, Bandikui, District Dausa on 06.11.2017 in Criminal Case BT No. 508/12 (843/11), wherein though the applicant was convicted but the benefit of Sections 4 and 12 of the Probation of Offenders Act was extended to him. Thereafter, the applicant moved a representation dated 04.12.2017 before the respondents in terms of the aforesaid orders passed by the Hon'ble Supreme Court. Since the respondents failed to take a decision over the said representation, therefore, the applicant got issued a notice through his counsel on 14.03.2018.

3. Grievance of the applicant is that neither his representation has been decided nor the legal notice has been replied by the respondents.

4. Ms. Ritu Pathak, appearing as proxy for Shri H.L. Gothwal, learned counsel for the applicant submitted that the applicant would be satisfied if a direction is issued to the respondents to

take a decision over his pending representation dated 04.12.2017 (Annexure A/7) within a time frame.

5. Keeping in view the afore-stated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

6. Accordingly, the Original Application is disposed of with a direction to General Manager, North Western Railway, Jaipur to take a decision over the applicant's pending representation dated 04.12.2017 (Annexure A/7) and pass a reasoned and speaking order in accordance with law while keeping in view the principles laid down by the Hon'ble Supreme Court in **Avtar Singh vs. Union of India & Ors.**, (2016) 8 SCC 471 and the order dated 06.03.2018 passed by the Hon'ble High Court of Rajasthan at Jodhpur in **Ram Charan Nayak vs. Ajmer Vidhyut Vitran Nigam Limited & Ors.** (S.B. Civil Writ Petition No. 8190/2017). Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of three months from the date of receipt of a certified copy of this order. However, there shall be no order as to costs.

**(A. MUKHOPADHAYA)**  
**ADMINISTRATIVE MEMBER**

**(SURESH KUMAR MONGA)**  
**JUDICIAL MEMBER**