

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

(S)

OA No.842/2003

New Delhi, this the 26th day of April, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri V.K. Majotra, Member(A)

Bhoopal Singh
Village Bhopur Milhoni, Sirkoi
Distt. Muradabad, UP .. Applicant
(Shri U.Srivastava, Advocate)

versus

Union of India, through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway, Muradabad
3. Asstt. Divisional Engineer(Hq)
94, Railway Officers Colony
Civil Line, Northern Railway
Moradabad, UP
4. Superintendent Engineer
Northern Railway, Muradabad, UP .. Respondents

ORDER(oral)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

Heard Shri U Srivastava, learned counsel for applicant.

2. We have also perused the relevant documents on record including the English translation of Annexure A-1, Annexure A-2 and Annexure A-3. Learned counsel submits that there is no order as such against which he is aggrieved under the provisions of Section-19 of the Administrative Tribunals Act, 1985. However, he has submitted that by order dated 22.5.2001 issued by the respondents a list of surplus staff has been indicated, which includes the name of the applicant at Serial No.50. According to the learned counsel, nothing further has been done by the respondents in pursuance of this letter dated 22.5.2001. He also submits that applicant made a representation (Annexure A-1) on which a Note has been written but the dates are smudged and illegible and the date on which

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the applicant himself made a representation is not indicated. He relies on the order of the Tribunal dated 2.7.2001 in Pari Ram Vs. Union of India (OA No.1158/2000), copy placed on record in which one of us (Shri V.K. Majotra, Member (A)) was also a member. Learned counsel submits that in the circumstances, he would be satisfied if a direction is given to the respondents to dispose of the aforesaid representation by a reasoned and speaking order so that the applicant's status as Valveman and his pay are protected.

3. We are unable to agree with the contention of the learned counsel for the applicant that the order of the Tribunal dated 2.7.2001 in Pari Ram's case (supra) is relevant to the facts of this case. It is further relevant to note that Annexure A-3 letter has been issued by respondents nearly 1 year and 10 months prior to the date of filing of this OA on 20.3.2003. The applicant has also failed to produce the 'promotion order' promoting him as Valveman which is what he has stated in his aforesaid representation, although learned counsel submits that subsequently he has been paid in the grade of Valveman. He further submits that no effect has been given by the respondents to the letter dated 22.5.2001 and the applicant is still continuing as Valveman. If that is so, we find that there is no cause of action and the OA has been filed on surmises and conjectures. 4. Accordingly, OA is dismissed in limine.

V.K.Majotra

(V.K. Majotra)
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

cc.