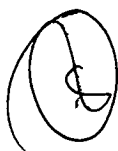


CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH



Q.A. No.166 of 2003
M.A. No.995 of 2003

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

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)
HON'BLE SHRI C.S. CHADHA, MEMBER (A)

Mr. Neerja Bala Grover,
Hindi Assistant, Grade II,
Office of CAO/COFMOW,
Tilak Bridge,
New Delhi.
(By Advocate : Shri B.S. Mainee)

....Applicant

Versus

Union of India : Through

1. The General Manager,
Northern Railway, Baroda House,
New Delhi.

2. The Chief Administrative Officer,
COFMOW, Tilak Bridge,
New Delhi.

....Respondents

(By Advocate : Shri R.L. Agarwala)

ORDER (ORAL)

SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J) :

This is the second round of litigation by the applicant, the earlier OA being OA 449/2002 which was disposed of by the Tribunal's order dated 5.9.2002. Para 15 of the said order reads as under:-

"15. In the result, and having regard to the reasons recorded above, OA is partly allowed. Impugned memo dated 6.2.2002 is quashed and set-aside. Respondents are directed to issue a fresh show cause notice to the applicant having regard to the observations made above, within two weeks from the date of receipt of a copy of this order, indicating the proposed action and an opportunity to represent with a stipulated time limit. Applicant is at liberty to prefer her representation to such a proposal taking all her contentions which shall be considered by the respondents by passing a detailed and

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speaking order within one month from the date of receipt of the representation of the applicant. During this interregnum, applicant shall be allowed to work as Hindi Assistant Gr.II. However, if the applicant is still aggrieved by the final decision of the respondents, she shall be at liberty to redress her grievance in accordance with law. No costs."

2. According to the respondents, in pursuance of the aforesaid order, after withdrawing the earlier Memo dated 6.2.2002, they have served the show-cause notice dated 10.10.2002.

3. Learned counsel for applicant submits that the applicant had earlier filed a reply to the aforesaid show-cause notice on 23.10.2002 (Pages 30-31 of the paper book). Shri B.S. Mainee, learned counsel also relies on the judgement of the Tribunal in Shinder Singh Vs. Union of India and others (OA 425/1999) decided on 29.10.2001 and the Railway Board letter dated 14.2.1983 (Annexure A/10). He has submitted that while taking a final decision on the aforesaid show-cause notice and the reply, the respondents should consider these relevant documents, as according to him, a number of vacancies have since arisen after the panel of 1995 was drawn for the posts of Assistant Grade II.

4. We have seen the reply filed by the respondents and heard Shri R.L. Agarwala, learned counsel for respondents.

5. Learned counsel has submitted that in terms of the aforesaid order of the Tribunal, they have to pass

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a reasoned and speaking order. The anxiety of Shri B.S. Mainee, learned counsel for applicant is that the applicant should be protected in continuation of the aforesaid order of the Tribunal. Learned counsel for respondents has submitted that in case any order is passed by the respondents which is adverse to the applicant's interest, he can challenge the same. He has also submitted that till the decision and a detail speaking order is passed, the applicant shall be allowed to work as Hindi Assistant Grade II, as already ordered vide Tribunal's order dated 5.9.2002.

6. Taking into account the facts and circumstances of the case, the OA is disposed of with the following directions:-

(1) In terms of the order dated 5.9.2002, respondents should take an appropriate decision in the matter by passing a detail and speaking order within one month from the date of receipt of a copy of this order positively, with intimation to the applicant. They shall also keep in view the aforesaid decision of the Tribunal, in Shinder Singh's case (supra) and the Railway Board's letter dated 14.2.1983, relied upon by the applicant.


(2) In view of the earlier order in the litigation in this matter, in case the

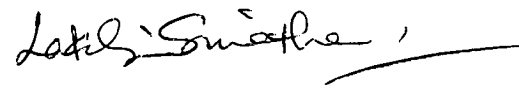
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final decision/order passed by the respondents is adverse to the applicant, the same shall not be given effect to for a period of one week.

7. In view of the above, MA 995/2003 is also disposed of.

No order as to costs.


(C.S. CHADHA)
MEMBER (A)


(SMT. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN (J)

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