

Court No. - 4

Case :- WRIT - A No. - 8838 of 2024

Petitioner :- Awadhesh Kumar Yadav

Respondent :- Union Of India Thru. Ministry Of Railways
Represented By Its Secy. And 4 Others

Counsel for Petitioner :- Deepanker Kumar, Neel Kisan

Counsel for Respondent :- A.S.G.I.

Hon'ble Rajesh Singh Chauhan, J.

1. Heard Sri Deepanker Kumar, learned counsel for the petitioner, Sri S.B. Pandey, learned Senior Advocate and the Deputy Solicitor General of India assisted by Sri Dev Rishi Kumar, learned counsel for the opposite parties.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:-

"(a) to issue a writ, order or direction in the nature of mandamus under Article 226 of the Constitution of India, thereby directing the Respondent No.4 to grant last increment due on 01.07.2020 and a fresh corrigendum Pension Payment Order (PPO) be issued duly re-fixation of pension with all consequential benefits for rendering his services for one full year i.e. during the period from July 1st 2019 to June 30th 2020 preceding his retirement.

(b) to issue a writ, order or direction in the nature of mandamus directing Respondent No.4 to pay the arrears and interest thereon at the rate of 18% per annum from the date of retirement to till date."

3. Learned counsel for the petitioner has submitted that for redressal of his grievance, the petitioner has preferred a representation dated 22.05.2024 to the opposite party No5, but no decision has been taken on the same till date.

4. Learned counsel for the petitioner has further submitted that the petitioner is ready to prefer a fresh representation to the Competent Authority, therefore, he may be permitted to prefer a fresh representation to the Competent Authority and direction may be issued him to consider and decide the said representation within a stipulated time.

5. Learned counsel for the opposite parties has no objection if direction is issued to the Competent Authority to consider and decide the representation of the petitioner within a stipulated time.

6. In view of the above, without entering into merits of the issue, the instant writ petition is being disposed of finally at the admission stage permitting the petitioner to prefer a fresh representation to the opposite party No.5 i.e. the Deputy Chief Electrical Engineer, Northern Railway, Carriage & Wagon Workshop, Alambagh, Lucknow taking all pleas and grounds which are available with him annexing therewith copy of his earlier representation, if any, and the relevant documents in support of his claim within a period of ten days from today, and if any such representation is preferred by the petitioner within the aforesaid stipulated time, the authority concerned shall consider and decide the representation of the petitioner, strictly in accordance with law by passing a speaking and reasoned order, with expedition say within a period of eight weeks from the date of presentation of a certified copy of this order along with representation and the decision thereof be intimated to the petitioner forthwith.

7. It is needless to say that if any order is passed by the authority concerned and the petitioner feels himself aggrieved from that order, he may approach the Central Administrative Tribunal by filing the original application (O.A.).

8. In view of the aforesaid terms, the instant writ petition is ***disposed of finally.***

[Rajesh Singh Chauhan,J.]

Order Date :- 1.10.2024

Suresh/