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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

O.A. NO.290/2002

NEW DELHI THIS 10TH DAY OF NOVEMBER 2003

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

Shri Janak Singh  
S/o Shri Bacha Ram,  
4187, Jogiwara,  
Nai Sarak, Delhi

.....Applicant

(None present).

VERSUS

1. Union of India through  
The General Manager,  
Northern Railway,  
Baroda House, New Delhi
2. The Chief Administrative Officer (Const)  
Northern Railway, Kashmere Gate, Delhi
3. The Divisional Railway Manager,  
Northern Railway, State Entry Road,  
New Delhi
4. The Divisional Railway Manager,  
Northern Railway,  
Moradabad.

.....Respondents.

(By Advocate: Sh. H K Gangwani)

O R D E R (ORAL)

BY HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN(J)

Respondents have filed MA 2375/2003 seeking certain directions to the Registry to list OA 290/2002.

2. Learned counsel for the respondents has submitted that there is also an interim order of the Tribunal dated 19.2.2002 stating the operation of impugned order dated 2/9.11.2001 which has been continued from time to time. He

*[Signature]*

has submitted that the Hon'ble Delhi High Court vide order dated 9.4.2003 has dismissed CP 462/2001 filed by the petitioner.

3. The applicant has filed the OA on 01.2.2002, in which he has prayed for the following main reliefs:

- a) quash and set aside the impugned orders dated 08.10.2001 and 2/9.11.2001 (Annexure A/1 & A/2);
- b) direct the respondents to pay the arrears of salary for the period 09-06-2000 to 28-06-2000 and 14-08-2000 to 31-07-2001 as directed by the Hon'ble High Court as also the other dues including the transfer allowance; and
- c) to pass such orders and further orders as this Hon'ble Tribunal deem may appropriate in the facts and circumstances of the case.

4. The respondents had issued the aforesaid impugned order dated 08-10-2001 stating that it was in pursuance of implementing the orders of the Hon'ble High Court dated 1.3.2001 in CWP No. 4609/2001 and CM 7957/2000 filed by the petitioner/applicant.

5. By Office order No. 686 dated 2/9.11.2001, the respondents had, in pursuance of the aforesaid order of the Hon'ble High Court transferred the applicant to DRM/MB for joining duties there immediately.

6. The Hon'ble High Court by order dated 9.4.2003 while dismissing the contempt petition has held as under:

"Vide order dated 1st August 2001. directions were given to GM. Northern Railway to examine petitioner's grievance regarding his posting and lien and pass appropriate orders. It was also directed that till such orders are passed, the petitioner shall be treated on duty at Delhi Division and he shall be paid arrears of salary etc.

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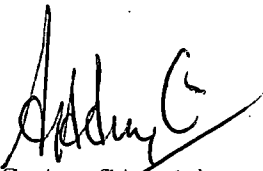
The order dated 1.8.2001 has been duly complied with by the respondents by issuing orders dated 8.10.2001 settling the lien of the petitioner and treating him on duty during the period from 1.8.2001 to 8.10.2001 and also payment of his salary. However, now the petitioner claims arrears of salary during the period he was absent which is beyond the scope of the order dated 1.8.2001 passed by this Court."

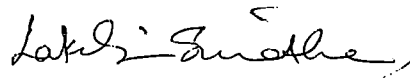
7. It is relevant to note that learned counsel for the petitioner was present when the aforesaid order of the Hon'ble High Court was passed, which according to learned counsel for the respondents has been issued on 8.10.2001.

8. Noting the above orders of the Hon'ble High Court, the question of quashing the impugned orders issued by the respondents which have already been dealt with on merits by the Hon'ble High Court does not arise. It is perhaps for these reasons <sup>that is</sup> the applicant has not appeared as he is fully aware of the orders of the Hon'ble High Court.

9. In the result for the reasons given above, OA fails and is dismissed on merits. Accordingly, the interim order dated 19.2.2002 is vacated. No orders as to cost.

10. Accordingly MA 2375/2003 is also disposed of.

  
(S.A. Singh)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)

Patwal/