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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.534/2001

New Delhi this the 3rd day of October, 2001.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Janak Singh,
S/o Shri Bacha Ram,
Wathching Khallasi,
Office of the CAO/C,
Northern Railway,
Kashmere Gate,
Delhi.

...Applicant

(By Advocate Shri P.S. Mahendru)

-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,
New Delhi.

...Respondents

(By Advocate Shri S. Rajappa)

O R D E R (ORAL)

Heard the learned counsel for the parties. The grievance of the applicant is directed against the inaction of the respondents by not reimbursing the tuition fee of his children as also the medical expenses incurred on the illness of his wife. The applicant who has been transferred as khallasi to Moradabad has approached the High Court and by way of a decision dated 1.8.2001 in CW/4609/2001 directions have been issued to examine the applicant's case with regard to his posting and lien and to pass appropriate orders within two weeks. The applicant has been directed to be treated on duty at Delhi Division till such orders are passed and should also be paid arrears of salary. It is also observed that in case he is allowed to continue in Delhi Division his other grievance relating to his lien should also be looked into under the rules. The respondents by way of filing CM-9676/2001 have sought

three weeks time to comply with the directions of the High Court, which has been granted by an order dated 13.9.2001. It is contended by the learned counsel for the applicant that despite the direction of this court and on expiry of the extended period for compliance the applicant is yet to be posted at Delhi and no order has been passed with regard to his posting and lien. It is, inter alia, contended that the applicant is entitled for medical reimbursement as well as tuition fee, in accordance with the rules as he is deemed to be working at Delhi itself as observed by the High Court.

2. On the other hand, strongly rebutting the contentions of the applicant, the learned counsel for the respondents contended that a review has been preferred before the High Court in CWP-4609/2001 which is yet to be disposed of. It is further stated that as the applicant has neither joined at Delhi nor at Moradabad, the payment of reimbursement is not permissible as per the rules. It is also stated that in case the applicant joins either at Delhi or Moradabad his claim for medical reimbursement as well as tuition fee shall be considered by the respondents.

3. Having regard to the rival contentions of the parties and on perusal of the record I find that there is a categorical finding of the High Court regarding posting of the applicant in Delhi till an order is passed by the respondents considering his request for his posting and lien till such time it cannot be said that the applicant is not deputed at Delhi. It is the respondents who despite getting extension for complying the orders of the High Court dated 1.8.2001 have yet to issue posting orders of

the applicant at Delhi. In this view of the matter, the present OA is disposed of, at the admission stage itself, by directing the respondents to treat the applicant being posted at Delhi and to consider re-imbursing the tuition fee as well as medical expenses incurred on the treatment of his wife as per the rules, within a period of four weeks from the date of receipt of a copy of this order. No costs.

S. Raju

(Shanker Raju)
Member (J)

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