

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2440/99

HON'BLE SHRI JUSTICE V.RAJAGOPALA REDDY, VC(J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

New Delhi, this the 23rd day of May, 2000

1. Hari Shankar
Qtr. No.71-D, Railway Colony
Hathras Junction, Distt. Hathras
U.P. Applicant

(By Advocate: Shri M.K.Bhardwaj, through
Shri A.K.Bhardwaj)

Vs.

1. Union of India
through The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager
Northern Railway, Allahabad Division
DRM Office, Allahabad
U.P.

3. The Divisional Supdt. Engg. (II)
Northern Railway, DRM Office
Allahabad (U.P.)

4. The Assistant Engineer, (Line)
Northern Railway
Railway Station (Tundla)
U.P.

5. The Sr. Section Engineer
Northern Railway
Allahabad Division
Railway Station (Hathras) UP. Respondents

(By Advocate: Shri B S Jain)

ORDER (Oral)

By Reddy. J.

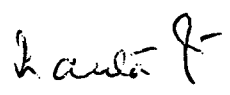
The only grievance of the applicant is that though he has been working as Blacksmith, his salary was not paid since 01-09-1998.

2. In the counter, it has been stated that the applicant has been absconding since 27.08.1998 and has been served with charge memo dated 25.09.1999. It has been also brought to our notice that the enquiry



has been completed and the applicant has been removed from service. The learned counsel for the applicant also concedes that against the order of removal, he filed an appeal and the same is still pending. Since the period during which the applicant seeking his salary falls within the period when he was alleged to have been absconded and the same has been enquired into and the applicant has been removed from service, the contention that he was not paid salary for the said period cannot be entertained. The OA is accordingly dismissed.

3. Since the question of the alleged unauthorised absence of the applicant and the consequent removal of the applicant is pending consideration by the appellate authority, we direct the appellate authority to consider the appeal and dispose of the same as per law. However, it is made clear that the question of alleged unauthorised absence of the applicant should be considered by the applicant without being influenced by the dismissal of the present OA.


(SMT. SHANTA SHASTRY)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/