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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

MA 1174/2000, with CP 370/99 in DA 2490/99

New Delhi, this 27th day of July, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC (J)
Hon'ble Smt. Shanta Shastri, Member (A)

1. Ajay Ram,
T/46-B, Railway Colony, Bareilly
2. Puland Ram
3. Inder Jit Singh
4. Ghanshyam Singh
Railway Colony, Muradabad
5. Shyam Saran
Railway Colony, Muradabad
6. Pritam Saran
Hanuman Nagar, Line Par
Muradabad
7. Dasrath Parashad
Railway Colony, Lucknow

.. Petitioners

(By Shri V.P. Shamma, Advocate)

Versus

Shri Prem Chand Sharma
Divisional Railway Manager
Northern Railway
Muradabad On.

.. Respondent

ORDER (oral)

By Shri Justice V. Rajagopala Reddy

Heard the learned counsel for the petitioners and the respondents. It is stated by the respondent that though the petitioners had been reverted by the date of the order of the court on 29.11.99, in view of the charge notice issued by this court on 13.7.2000, respondent had reconsidered the matter and maintained status quo as directed by the order dated 19.7.2000. A copy of the same has been filed as Annexure A to the MA. It is also stated that the pay and allowances would be arranged to the petitioners. It is further stated that the respondents hold this Tribunal in very high esteem and had no intention at

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any stage to disobey the orders of the Tribunal. An apology has also been tendered by the respondent.

2. Learned counsel for the respondent submits that order dated 26.7.2000 has been passed closing the major penalty charge against the petitioners.

3. In view of the facts and circumstances of the case, we are satisfied that the order has been complied with. It should however be noted that the respondent should have complied with the order in the first instance itself. Complying with the order ^{after} ~~of~~ issuing charge sheet and also tendering apology would not amount to compliance of the order. If the respondent felt that there was any mistake on his part in not complying, he should have tendered apology in the first instance itself. Delayed apology does not ^{reveal} ~~speak of~~ regret. However, accepting the apology, the CP is closed. Notice issued to the respondent is discharged. Respondent should not ^{Victimise} ~~punish~~ the petitioners and they should be paid the salary as per rules provided they join duty.

Shanta
(Smt. Shanta Shastray)
Member (A)

Om Dnyagopala
(V.Rajagopala Reddy)
Vice-Chairman (J)

/gtv/