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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

O.A.No.2375 of 1995

Dated New Delhi, this 19th day of March, 1996.

HON'BLE MR JUSTICE P. K. SHYAMSUNDAR, ACTING CHAIRMAN
HON'BLE MR K. MUTHUKUMAR, MEMBER (A)

Javed

S/o Shri Munsif Bux
R/o 61-62 Kishan Ganj Market
Old Rohtak Road
NEW DELHI

... Applicant

By Advocate: Shri B. S. Mainee

versus

Union of India, through

1. The General Manager
Northern Railway
Baroda House
NEW DELHI.

2. The Divisional Railway Manager
Northern Railway
MORADABAD.

... Respondents

O R D E R (Oral)

Mr Justice P. K. Shyamsundar

We have heard both sides at the admission stage itself and propose to dispose off this application by passing the following order.

The applicant was aggrieved by his removal from service under the impugned order dated 26.10.1994. It transpires that after removal from service, the applicant preferred an appeal to the appropriate appellate authority in the month of November 1994 and that appeal has since been disposed off by order dated

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22.1.1996. A copy of that order is made available to us by the learned counsel appearing on behalf of the railways. Therein it has been clearly stated that the order of removal from service has been set aside and a direction issued to reinstate him in service immediately and more importantly that the interregnum between removal and reinstatement be treated as period spent on duty. It means that he is eligible for all financial benefits for the entire period of absence from duty. We find the applicant has also filed an affidavit found amongst the documents furnished by the Railway Administration stating that he is fully satisfied with the order passed by the appellate authority and does not, therefore, wish to proceed with this matter further.

But the applicant has prayed for grant of costs in the application as he had suffered financial hardship. But all that financial hardship has since been mitigated by the administration itself as evident from the afforesaid order under which he is directed to be reinstated in service with all consequential benefits. We find the order of the appellate authority to be very just and quite humane and this kind of orders are really out of the ordinary and in

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the circumstances, we do not think it proper to make any order granting costs.

In view of the foregoing, this application is dismissed as having become infructuous. No costs.



(K. Muthukumar)
Member(A)



(P. K. Shyamsundar)
Acting Chairman

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