

(44)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1) OA No. 3362/92 with OA No. 1080/95

New Delhi: this the 14<sup>th</sup> day of September, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

L. N. Yadav,  
S/o Shri Budh Ram Yadav,  
Leave Reserve Relieving ASM,  
at Jatusana (Head Quarter at Kosli),  
Bikaner Div.,  
Northern Railway

.....Applicant.

Versus

Union of India  
through

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The DRM,  
Northern Railway,  
Bikaner Div.,  
Bikaner, Raj.
3. Divl. Personnel Officer,  
Northern Railway,  
Bikaner, Raj.
4. Shri S. P. Verma,  
ASM,  
Bikaner Div., Raj.

.....Respondents.

2. OA No. 1080/95

L. N. Yadav

.....Applicant.

Versus

1. Union of India  
through  
the General Manager,  
Northern Railway,  
New Delhi.
  2. The Divl. Railway Manager,  
Bikaner.
  3. The DPO  
DRM Office,  
Bikaner.
  4. Shri Chajju Ram Kashyap,  
ASM, Bikaner Div.,  
Rewari.
- 2

45

5. Shri R.C.Sharma,  
ASM,  
Gurgaon,  
Haryana.

6. Shri S.D.Sharma,  
ASM,  
Pataudi Road,  
Haryana.

.....Respondents.

Advocates:

Shri R.N.Singh for applicant.

Shri R.L.Dhawan for respondents in OA No.3362/92.

ORDER

Mr. S.R.Adige, VC(A)

O.A.No.3362/92 and OA No.1080/95 were heard and disposed of by common order dated 27.5.98.

Thereafter, applicant filed RA No.199/98 seeking review of the common order dated 27.5.98 in so far as it related to OA No.3362/92 .

2. Applicant's counsel was heard on the RA. None appeared for respondents on the date of hearing. By order dated 16.5.2000 the prayer for review of order dated 27.5.98 was allowed and the aforesaid order dated 27.5.98 was recalled. Both OAs were ordered to be posted for hearing afresh.

3. We have heard applicant's counsel Shri R.N. Singh and respondents' counsel Shri Dhawan.

4. The first ground taken by Shri Singh to justify the change in the findings arrived at in order dated 27.5.98 is that respondents' order dated 21.9.88 (Annexure-R1 to OA) was actually dated 21.1.93 which would have operated only prospectively and, therefore, could not have been relied by the Bench to deny the applicant his promotion w.e.f. 7.12.92 merely because he was undergoing WIT for 6 months

46

w.e.f. 1.8.92 to 31.1.93. This ground has no merit because respondents' Circular dated 21.9.88, a copy of which has been taken on record, also lays down that a Railway employee who has been punished with WIT as a result of disciplinary proceeding, should be promoted only after expiry of that penalty.

5. Secondly it was urged before us that applicant had not been visited with the penalty of WIT but upon perusal of the relevant record including the copy of the penalty order issued by respondents to applicant, we are satisfied that this contention of the applicant has no merit.

6. In the result, we see no reason to modify the conclusions contained in the Tribunal's order dated 27.5.98 dismissing OA -3362/92 and OA -1080/95.

7. For the reasons contained in order dated 27.5.98 therefore both the OAs are dismissed. No costs.

8. Let a copy of this order be placed on both case records.

( KULDIP SINGH )  
MEMBER (J)

( S.R. ADIGE )  
VICE CHAIRMAN (A).

/ug/

*Pinkey*  
Court Officer  
Central Administrative Tribunal  
Principal Bench, New Delhi  
Parishot House,  
Copperplate Marg,  
New Delhi 110001