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Central Administrative Tribunal, Principal Bench

Original Application No.1708 of 1996

New Delhi, this the 30th day of March, 2000

Hon'ble Mr.Justice Ashok Agarwal Chairman
Hon'ble Mr.V.K.Majotra, Member (Admnv)
Ms.Pushpa, D/o Shri Tara Dutt, Mobile Booking
Clerk, Northern Railway, 78 A/6, Railway
Colony, Old Subzi Mandi, Near Ice Factory,
Motia Bagh, Delhi-110054 - Applicant

(By Advocate -None)

Versus

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway, New Delhi. -Respondents

(By Advocate -None)

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

By the present OA the applicant claims wages for the period 13th May, 1988 to 25th December, 1989. She has further prayed that the aforesaid period should be treated as qualifying service for all purposes. A claim for interest is also made.

2. The applicant was appointed by the Northern Railway on 26th October, 1985 as a Mobile Booking Clerk. By an order passed on 13th May, 1988 her services were terminated. The applicant challenged her termination order by filing in this Tribunal OA No.2248/89. By an order passed on 17th November, 1989 as corrected by a later order passed on 15th December, 1989, the respondents were directed to restore the applicant in the same position as it existed prior to 14th May, 1988. The respondents reengaged the applicant from 26th December, 1989 in compliance with the aforesaid order of the Tribunal. In view of the aforesaid compliance, the aforesaid OA was closed on 20th July, 1990.

M. J. A.

3. The short grievance that is raised by the applicant in the present OA is that though the applicant has been re-engaged on 26th December, 1989 which has been done in compliance with the aforesaid order of the Tribunal, the respondents have failed to pay the applicant her wages for the aforesaid period of 13th May, 1988 to 25th December, 1989 during which period she had been illegally and unlawfully disengaged.

4. The Tribunal in the aforesaid orders passed on 17th November, 1989 and 15th December, 1989 has directed the respondents to restore the applicant to the same position as it existed prior to 14th May, 1988. If the aforesaid direction is to be complied with, the position of the applicant will have to be considered as though she had not been discharged on 13th May, 1988 and that she continued ⁱⁿ ~~her~~ services without a break. The applicant is, therefore, entitled to the payment of full wages for the aforesaid period of 13th May, 1988 to 25th December, 1989 - the period during which she remained out of job.

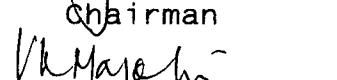
5. The case of the applicant is similar to the case of the applicants in OA No. 896/88 decided by the Tribunal on 4th June, 1990 where the applicants who were similarly placed as the applicant in the instant OA have been granted back wages. As far as the applicants in the aforesaid OA 896/88 are concerned they in terms of the decision of the aforesaid OA have been paid back wages vide orders passed on 21st January, 1992. A copy of the order of the Tribunal dated 4th June, 1990 in OA 896/88 is to be found at Annexure-A-5 and copy of the

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order dated 21st January, 1992 regarding payment of back wages to the applicants therein is to be found at Annexure-A-8.

6. If one has regard to the direction issued in OA No.2248/89 and the payments made to the applicants in OA 896/88, inference is inevitable that the applicant will also be entitled to the wages for the aforesaid period of 13th May 1988 to 25th December, 1989. It follows that the aforesaid period will be counted as qualifying services for all purposes.

7. The OA is allowed in the afore-stated terms. The respondents are directed to make the aforesaid payment to the applicant within a period of three months from the date of service of a copy of this order. No order as to costs.


(Ashok Agarwal)
Chairman

(V.K. Majotra)
Member (Admnv)

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