

Central Administrative Tribunal  
Principal Bench

11

O.A. No. 1072/97

Decided on 30.6.2000

Bhan Singh

... Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

U.O.I. & Anr.

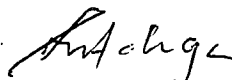
... Respondents

(By Advocate: Shri R.L. Dhawan)

CORAM

Hon'ble Mr. S.R. Adige, Vice Charman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying benches of the Tribunal or not? NO

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

Central Administrative Tribunal  
Principal Bench

O.A. No. 1072 of 1997

New Delhi, dated this the 30<sup>th</sup> JUNE, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Bhan Singh,  
S/o Shri Chandgi Ram,  
Fitter,  
R/o Qr. No. 120/D, Railway Colony,  
Hissar (Haryana). .. Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through  
the General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, Bikaner Division,  
Bikaner (Haryana) .. Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant seeks a direction to respondents to treat him as on duty as Greaser for the period 12.2.90 to 14.12.90 with full pay and allowances together with interest thereon.

2. Admittedly applicant working as Greaser in Hissar, when by respondents' order dated 3.1.90 he was reverted as Helper Khallasi. Against that reversion order applicant filed O.A. No. 324/90. The Tribunal by its interim order dated 27.2.90 (copy on record) directed respondents not to relieve applicant from the post of Greaser till the next

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date. Respondents contend that pursuant to the aforesaid order, by letter dated 21.3.90 applicant was allowed to work as Greaser at Sadulpur, as there was no vacancy of Greaser at Hissar. Applicant did not join at Sadulpur and filed M.A. No. 1415/90 in O.A. No. 324/90 for implementation of the interim order dated 27.2.90, which the Tribunal disposed of on 12.11.90 (copy on record) holding that respondents had no legal right to relieve applicant from the post of Greaser in Hissar and directing respondents to allow applicant to perform his duties as Greaser in Hissar till the final disposal of the O.A. Pursuant to the aforesaid order, respondents transferred a post of Greaser to Hissar by letter dated 3.12.90 (copy on record) and applicant resumed his duties there on 15.12.90.

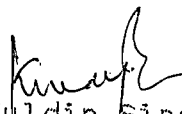
3. In view of the judicial finding recorded by the Tribunal on 12.11.90 that respondents had no legal right to relieve applicant from the post of Greaser in Hissar, a finding which to our knowledge was not quashed and set aside or modified and, therefore, attained finality, Applicant is entitled to be treated as on duty for the aforesaid period from 12.2.90 to 14.12.90.

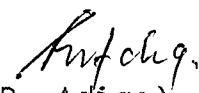
4. The O.A., therefore, succeeds and is allowed. Applicant should be treated as on duty for

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the period from 12.2.90 to 14.12.90 and be released his full pay and allowances for the aforesaid period within three months from the date of receipt of a copy of this order less any sums already paid. The prayer for interest is rejected as there are no good grounds to grant the same. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

gk