

26

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI.

O.A.No.1374/94

New Delhi: this the 28<sup>th</sup> day of January, 1997.

HON'BLE MR.S.R.ADIGE MEMBER(A).

HON'BLE DR.A.VEDAVALLI MEMBER(J).

Musharaff Ali,  
S/o Shri Aley Ali,  
R/o Moh. Bagh Gulab Rai,  
Moradabad. .... Applicant.

(By Advocate: Shri B.B.Rawal).

VERSUS

Union of India,  
through the General Manager,  
Northern Railway Headquarters,  
Govt. of India,  
Baroda House,  
New Delhi.

2. The Civil. Railway Manager,  
Northern Railway,  
Moradabad.

3. The Loco Foreman,  
Loco Shed, Northern Railway,  
Moradabad. .... Respondents.

(By Advocate: Shri K.K.Patel).

JUDGMENT

BY HON'BLE MR.S.R.ADIGE, MEMBER(A).

Applicant seeks a direction to the respondents to comply with the orders of the Revisionary Authority dated 23.7.92<sup>(Annexure-A9)</sup> and treat the applicant as on duty with effect from that date, till he is allowed to join duty with full pay and allowances.

2. Shortly stated, the applicant was dismissed from service in exercise of the powers conferred by Rule 14 of Disciplinary & Appeal Rules, 1968 on the charge that he wilfully obstructed the passage of a train by blocking the track and causing

2

(27)

disruption of train services, Applicant's appeal was rejected vide order dated 11.12.91. Thereupon he filed a revision petition, upon which the competent authority (G.M.) set aside the order of dismissal and reduced the punishment to reduction of pay by one stage for a period of two years with cumulative effect. The competent authority while passing the order on revision petition also decided that the applicant should be transferred to Ferozepur Division vide order dated 16.7.92 (annexure-I to reply) as the result of which the applicant was transferred to Ferozepur Div. by competent authority vide order dated 20.7.92 (annexure-II to reply).

3. Respondents however contend in their reply that the applicant has not joined duty at Ferozepur Division till date.

4. Applicant has contended in his rejoinder that he was not served with any order transferring him to Ferozepur Division. During hearing applicant's counsel has asserted that the applicant should first be taken on duty in Loco Shed, MB (MB Division) before he is transferred to Ferozepur Division.

5. The challenge in the OA was to the non-disposal of the applicant's representation dated 30.11.92 and reminder dated 19.12.92. That representation has since been disposed of by reducing the punishment of dismissal to reduction of applicant's pay with direction to report for duty at Ferozepur Division. Nothing therefore survives in the OA. If the applicant is aggrieved by respondents' order transferring him to Ferozepur Division, it constitutes a separate cause of action,

7

(28)

while it is open to the applicant to challenge separately through appropriate proceedings in accordance with law.

6. The OA stands disposed of in terms of paragraph 5 above. No costs.

A. Vedavalli  
( DR. A. VEDAVALLI )  
MEMBER(J).

S. R. Adige  
( S. R. ADIGE )  
MEMBER(A).

/ug/