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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1592 OF 1994

New Delhi the 28th the day of November, 1994.

Hon'ble Mr. J.P.Sharma, Member(J)

Hon'ble Mr. S.R. Adiga, Member(A)

Bishal Pal S/o Sh. Ram Saran
R/o Village and PO Khandera, near Dadri
Distt. Ghaziabad (UP)

....Applicant

(By advocate: Shri Mahesh Srivastava)

Versus

1. Union of India, through
General Manager,
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway,
Pahar Ganj, New Delhi.
3. Senior Divisional Mechanical Engineer(I)
D.R.M's office, N. Railway, Pahar Ganj
New Delhi.
4. The Loco Foreman, Loco Shed
N. Rly., Tughlakabad, New Delhi.
(By advocate: NCHZ)

....Respondents.

J U D G E M E N T (Oral)

Hon'ble Mr. J.P.Sharma, Member(J)

1. The applicant was employed with the Northern Railway as a Fireman Grade-8 and was posted at Tughlakabad Loco Shed office. The applicant is alleged to have taken to certain subversive activities in the loco strike he is said to have participated, as a result of which the respondents removed the applicant from service under Rule 14 (ii) of the Railway Servants (Discipline & Appeal) Rules, 1968, without holding an enquiry under the rules. The misconduct alleged against the applicant also amounted to an offence as he is said to have thrown acid on driver

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Shri Tej Paland ^{le} ~~and~~ assistant driver Sh. Um Prakash who were not on strike on 11.6.80. The applicant thereafter filed a writ petition in the Delhi High Court which stood transferred to this Tribunal vide TA 755/85 dt. 4.10.89 and decided by the ~~said~~ order with the direction that appeal or revision application, as the case may be, so filed by the petitioners be disposed of within a period of three months.

2. The learned counsel for the applicant Shri Mahesh Srivastava argued that the applicant, in pursuance of the directions of the aforesaid decision filed the Revision petition before competent authorities but the result of the said Revision has not been conveyed to him. There is nothing on record to show regarding this fact. Notice was issued to the respondents, but inspite of service of notice, none appeared for the respondents.

3. The relief(s) claimed by the applicant in the application ^{is} ~~are~~ (a) the applicant be given the benefits of the judgement in the case of UOI & Ora Vs. R. Redappa and ore., in civil appeal No. 4681-82 of 1992.

4. We are handicapped by non-presence of the respondents in regard to the disposal of the Revision and results of the criminal case. The applicant's name is Bishal Pal but it is mentioned in the order of acquittal as Kishan Pal alias Bishan.

5. Before disposing the application, we are referring to the relevant portion in the case of R. Redappa (common direction given by the Hon'ble Supreme Court to be applicable to the similarly situated persons). These directions are quoted below:

- " (i) Employees who were dismissed under Rule 14(2) for having participated in the loco staff strike of 1981 shall be restored to their respective post within a period of three months from today.
- (ii) (a) Since more than three years have elapsed from the date the orders were found to be bad on merits by one of the Tribunal it is just and fair to direct the appellant to pay the employees compensation equivalent to three years salary inclusive of dearness allowance

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calculated on the scale of pay prevalent in the year and judgement was delivered, that it, in 1990.

(b) This benefit shall be available even to those employees who have retired from service. In those cases where the employees are dead the compensation shall be paid to their dependents. The compensation shall be calculated on the scale prevalent three years immediately before the date of retirement or death.

(iii) Although the employees shall not be entitled to any promotional benefit but they shall be given notional continuity from the date of termination till the date of restoration for purposes of calculation of pensionary benefits. This benefit shall be available to retired employees as well as to those who are dead by calculating the period till date of retirement or death."

6. The applicant has already filed a representation to the respondents after the decision of R.Redappa's case, on 24.1.94. The respondents have not disposed of the same nor taken any care to appear before the Tribunal to place their stand regarding the position of the matter of the applicant vis-a-vis Redappa's case.

7. In view of the above circumstances, we are disposing the application with the direction to the respondents to consider the case of the applicant viz. his representation dated 24.1.94. If that is not available in the office of the respondents, i.e. General Manager, Northern Railway Board, then the applicant shall be free to file a fresh representation alongwith a copy of the judgement of this OA and the respondents to dispose of the same within 3 months, keeping in view the observations which have been made in the judgement both in Redappa's case and in OA 1512/94.

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

J.P. Sharma
(J.P. SHARMA)
MEMBER(J)