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Central Administrative Tribunal
Principal Bench

O.A. No. 1536 of 2000

New Delhi, dated this the 6th March, 2001

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

Shri Lakhu Oraon,
Goods Superintendent,
Northern Railway,
Under Station Superintendent,
Hathras Junction,
U.P. ... Applicant

(By Advocate: Shri S.K. Sawhney)

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.
2. Divisional Railway Manager,
Northern Railway,
Allahabad.
3. Sr. Divisional Commercial Manager,
Northern Railway,
Allahabad. ... Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER (Oral)

S.R. ADIGE. VC (A)

Applicant impugns respondents' order dated 25.1.99 (Annexure A-1) whereby the period from 5.2.86 to 17.9.92 has been regularised as leave due and the remaining period as leave without pay.

2. Shortly stated applicant was proceeded ^{against} departmentally, and after the enquiry was concluded the Disciplinary Authority imposed the major penalty of removal from service. Applicant challenged his removal from service in O.A. No. 688/88 which was disposed by CAT, P.B. order dated 6.4.92, whereby

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the impugned penalty order along with the E.O's finding was quashed and set aside and the Respondents were directed to reinstate applicant in service, in the position which he was holding prior to commencement of enquiry, with liberty granted to them to proceed with the D.E. afresh from the stage of the issue of charge sheet.

3. Admittedly applicant was reinstated in service by notice dated 17.9.92 to the post which he was holding before the commencement of the enquiry.

4. Applicant thereafter filed C.P. No. 375/97 contending that in terms of the Tribunal's order dated 5.4.92 respondents were required to release his pay and allowances for the period 5.2.88 to 17.9.92 during which period he remained out of service.

5. That C.P. was dismissed by order dated 2.7.98, with the observations that Respondents were required to determine the manner in which the period 5.2.88 to 17.9.92 in regard to applicant was required to be treated, in accordance with rules and instructions, and in case they had not done so already, they were called upon to issue necessary orders in this regard, under intimation to applicant.

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6. Pursuant to the aforesaid instructions Respondents issued the impugned order dated 25.1.99 which is challenged in the present O.A.

7. We have heard applicant's counsel Shri Sawhney and respondents' counsel Shri Dhawan.

8. Shri Dhawan has taken the preliminary objection that this Bench has no jurisdiction to entertain the O.A. as the cause of action arose at Hathras where the applicant was posted, which falls under the jurisdiction of CAT, Allahabad Bench. We note that the Principal Bench of the Tribunal had entertained the O.A. No. 668/89 as well as the C.P. No. 375/97 in which one of the Respondents was the General Manager, Northern Railway, Baroda House, New Delhi and under the circumstances this preliminary objection is rejected.

9. The second preliminary objection raised by Shri Dhawan is that the impugned order dated 25.1.99 is an appealable order and no appeal has been filed by applicant.

10. In this connection Shri Sawhney invites our attention to the representation dated 25.2.99 filed by applicant (Annexure A-8), in which applicant seeks payment of salary and other dues for the period from 5.2.88 to 17.9.92 with consequential benefits and promotion.

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11. Even if this representation is not worded in the form of an appeal it is clear that it is in the nature of an appeal against the impugned order dated 25.1.99.

12. Under the circumstances this O.A. is disposed of with a direction to respondents to treat the aforesaid representation dated 5.2.99 as an appeal against the impugned order dated 25.1.99 and dispose of the same by means of detailed, speaking and reasoned order under intimation to applicant within three months from the date of receipt of a copy of this order. If any grievance still survives it will be open to applicant to agitate the same through appropriate original proceedings in accordance with law, if so advised. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

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

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