

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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RA-207/99 in
MA-2181/99
MA-282/99 in
OA-1926/93

New Delhi this the 8th day of October, 1999.

Hon'ble Sh. A.V. Haridasan, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Moradabad. Review Applicants

(through Sh. R.L. Dhawan, advocate)

versus

Sh. Nagesh Dixit,
S/o Sh. K.K. Dixit,
R/o G.No.201 Maujpur,~
Shahdara, Delhi. Respondent

ORDER(ORAL)

Hon'ble Sh. S.P. Biswas, Member(A)

The respondents have filed this review application for the purpose of recalling as well as modification of our orders dated 19.07.99 in OA-1926/93 in respect of the following two issues:-

That the specific part in the order at para 9(b) mentioning that "the applicant shall be reinstated within a period of 3 months from the date of receipt of a copy of this order", runs contrary to the provisions of sub-rule 4 of Rule 5 of Railway Servants (Discipline & Appeal) Rules, 1968.

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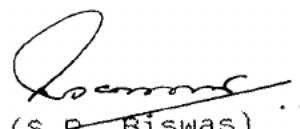
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Secondly, that orders issued earlier in similar cases did not specifically stipulated that no backwages shall be paid. Accordingly, the orders of this Tribunal presently under review should have contained that provision as well.

2. We have heard the learned counsel for the review applicants and find that order of this Tribunal dt. 19.07.99 is very clear. Our orders at para-9(b) does not stand in the way of the respondents taking action as per the law laid down on the subject. If the respondents are so advised, they are at liberty to put the applicant under suspension in terms of law laid down on the subject.

3. In respect of the other plea i.e. incorporation in the order that the applicant shall not be paid any backwages, we do not find any need to specifically incorporate/modify the order since the same does not contain any specific mention regarding the payment of backwages.

4. Respondents have also filed MA-2181/99 for condonation of delay. We find that the delay involved is only for two days and the same is condoned.

4. In view of the above, the review application is rejected.


(S.P. Biswas)
Member(A)

/vv/


(A.V. Haridasan)
Vice-Chairman(J)