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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA-31/95 in
OA-2358/93
MA-260/95
MA-261/95

New Delhi this the 13th day of March, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Padam Narain Sharma
D-867, Street No.13A,
Ashok Nagar, Wazirabad Road Side
Delhi-93.Applicant

(By Advocate Sh. S.K. Sawhney)

Versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Divisional Railway Manager,
Northern Railway,
Chemsford Road,
New Delhi.Respondents

(By Advocate Sh. B.K. Aggarwal)

ORDER (By circulation)

OA-2358/93 was disposed of by the oral order dated 27.9.94. This application seeking a review of that order has been filed by the respondents therein, i.e., General Manager, Northern Railway and the Divisional Railway Manager, Northern Railway, (hereinafter referred to as the Railways). Along with the RA, MA-260/95 has been filed for condonation of delay in filing the Review Application. MA-261/95 has also been filed for a stay of the judgement pending disposal of the RA.

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2. We have perused the R.A. We are satisfied that it can be disposed of by circulation and we proceed to do so.

3. In the view that we are taking we condone the delay and allow MA-260/95.

4. The applicant was medically declared unfit and he was retired from service w.e.f. 24.6.91 on the recommendation of the Committee which considered his case for alternative employment. We found that the case for alternative employment was not considered in accordance with law and the OA was disposed of with a direction to consider his case again. A further direction was given that, in the meanwhile, the respondents should pay to the applicant the difference between the gross emoluments drawn by the applicant before retirement and the gross pension being given to him every month from 1.11.93 until he is given an alternative employment.

5. The respondents are aggrieved by this latter direction on the ground that this is not a proper direction because if there is no alternative job to accommodate him in accordance with the rules and directions given by the Tribunal, it would be difficult to recover the same from him.

6. We have considered this matter. The main reason why we gave that direction was that it came on record that when a vacancy did arise on 31.10.91, the case of the applicant was not considered and someone

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else was promoted. The applicant would have been given an alternative job long back if either he was considered for that post on 31.10.91 or vacancies in other district, division, department were considered as required by Rules. There is no error apparent on the record in this regard. Hence, we do not see any reason to modify that direction.

7. In the circumstances, we do not find any merit in the R.A. It is accordingly dismissed.

8. Consequently, MA-261/95 is also dismissed.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan) (N.V. Krishnan)

Member(J)

N.V. Krishnan
13.3.95

(N.V. Krishnan)
Vice-Chairman(A)

'Sanju'