

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

MP 2836/90 in OA 1370/89, New Delhi, 24.1.1993.

Shri Raj Pal
s/o Shri Suraj Bhan
Ex. Mobile Booking Clerk
Northern Railway
Rohtak (Haryana)

.. Applicant

By Shri B.S. Mainee, Advocate

Versus

Union of India, through

1. The Secretary
Ministry of Railways
Rail Bhavan, Raisina Road
New Delhi

2. The General Manager
Northern Railway
Baroda House, New Delhi

3. The Divisional Railway Manager
Northern Railway
Delhi Division, State Entry Road
New Delhi

.. Respondents

by Shri Jagjit Singh, Advocate

ORDER

(By Hon'ble Shri N.V.Krishnan, Vice-Chairman(A))

On 20.7.1990, the OA was closed because Shri R.L. Dhawan, learned proxy counsel for Shri B.S.Mainee, submitted that subsequne to the filing of the OA, the applicant has been allowed the relief claimed.

MP 2836/90 has been filed stating that the aforesaid statement of Shri Dhawan was a mistake. He only wanted to convey that the applicant has received the relief in so far as his reinstatement was concerned but he has not been paid the back wages. It is prayed in the MP that a case similar to the present OA has been decided by this Tribunal in OA 896/88 decided on 4.6.90 filed by Shri Mahinder Kumar & Others Vs. UOI & Others, and a copy of that judgement has been produced for our perusal by the learned counsel for the applicant.

3. No reply has been filed by the Respondents for this MP, but the learned counsel for the Respondents states that the same relief may be given as was given in the judgement referred to above in OA 896/88, vide para 15(iii) of the judgement.

4. In the circumstances, the order dated 20.7.90 is recalled and we dispose of the OA 1370/89 with a direction to the respondents in line with the judgement given in OA 896/88 decided on 4.6.90, as follows:

Hence, the Respondents are directed to make payment of back wages from the date of termination of services in accordance with orders dated 5/12.5.88 till the date the applicant was taken back on duty consequent to the recall of the Hon'ble Supreme Court's order dated 18.3.88 at the same rates at which they were employed prior to the date of termination of the services. This will be applicable only to those Mobile Booking Clerks whose services were disengaged and reengaged in consequence of Hon'ble Supreme Court's orders dated 18.3.88 and recall of the said order vide Hon'ble Court's order dated 30.9.88.

5. The above direction shall be complied with by the respondents within 3 months from the date of receipt of this order. No costs.

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(C.J. Roy)
Member (J)
24.11.93

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(N.V.Krishnan)
Vice-Chairman(A)
24.11.93

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