(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.2290/89 Date of decision: 14.10.1993.

J.S.Tank.....Applicant.

vs.

Union of India and others.....Respondents.

Coram:

The Hon'ble Mr Justice S.K.Dhaon,
Vice Chairman.

The Hon'ble Mr B.N.Dhoundiyal,
Member(A).

For the applicant: Mr Umesh Mishra, counsel.

For the Respondents: None.

For orders, see Judgment of date passed in O.A.No.2281 of 1989.

(B.N.Dhoundiyal)
Member(A).

(S.K.Dhaon)
Vice Chairman

14th Oct., 1993.
(SDS)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(16)

OA No.2281/89
with
OAs No.2290,2292 & 2293 of 1989

Date of decision: 14.10.1993.

OA No.2281/89

S.P.Mishra .. .. Applicant.

OA No.2290/89

J.S.Tank .. .. Applicant.

OA No.2292/89

Bankey Lal .. .. Applicant.

OA No.2293/89

D.N.Tandon .. .. Applicant.

vs.

Union of India and others.....Respondents.
(in all the above four O.As)

Coram:

The Hon'ble Mr Justice S.K.Dhaon, Vice Chairman.
The Hon'ble Mr B.N.Dhoundiyal, Member(A).

For the applicant: Mr Umesh Mishra, counsel.

For the respondents: None.

PER S.K.DHAON, VICE CHAIRMAN(Oral)

These applications involve the same controversy. They have been heard together. Hence they are being disposed of by a common judgment.

2. The petitioners, namely, S/Shri S.P.Mishra, J.S.Tank, Bankey Lal and D.N.Tandon were removed from service in the purported exercise of powers

under Rule 14(2) of the Railway Servants(Discipline and Appeal)Rules, 1968(hereafter referred to the Rules). It was alleged that they, alongwith some others had participated in a strike. We may note that the provisions as contained in Rule 14(2) are analogous to the contents of the second proviso to Article 311(2) of the Constitution.

3. Shri S.P.Mishra came to this Tribunal by means of OA No.1476/88, Shri J.S.Tank preferred OA No.1496/88, Bankey Lal filed the O.A.No.1487/88 and Shri D.N.Tandon preferred OA No.1488/88 in this Tribunal. In these OAs, the orders passed by the Revisional Authority, rejecting their revision applications, were challenged. This Tribunal by a common judgment dated 25th November, 1988 decided the aforesaid four O.As. It directed the revisional authorities to give a decision on merits. In pursuance to the directions of this Tribunal, the Revisional Authority vide its common order dated 4th August, 1989, disposed of the revision applications of the aforesaid four petitioners and one another person. It, in substance, held that circumstances had not changed, and, therefore, it was not practicable to hold an inquiry against the petitioners. Against the said order of the revisional authority these O.As are directed.

4. The Supreme Court in Civil Appeal No.4681-82 of 1992 on 5th August, 1993 by a common judgment, disposed of a number of civil appeals(Unionof India and Ors vs.R.Reddappa & anr). The Supreme Court issued certain directions, which are contained in the operative portion of the judgment. One of the directions was that the 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 the date of the judgment. We would not re-iterate the other directions given because we are directing the respondents to strictly adhere to the directions given by the Supreme Court.

5. These applications succeed and are allowed. We direct the respondents to restore the petitioners to their respective posts, within a period of three months from the date of presentation of a certified copy of this order by any one of the petitioners before the relevant authority. We further direct the respondents to strictly adhere to the directions given by the Supreme Court in the case of R.Reddappa(supra).

6. There shall be no order as to costs.

(B.N.Dhoundiyal)
Member(A)

(S.K.Dhaon)
Vice Chairman

/sds/

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