

15

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.**

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

Shy

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 Q. A. No. 1487/88

and Shri D.N.Tandon preferred OA No. 1488/88 in

in writing before this Tribunal. In these cases the orders passed

by the Revisional Authority, rejecting their

which, by its very nature, is bound to be continually changing and always challenged. This

2011-12 application will begin on 1st October 2011.

at first was not well received, but it soon became a hit. It directed

1988 decided the question had been answered.

1145. *to the distinctions of this*

7.000-1411 Provincial Authority made its comments

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.A.s 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 (Union of 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),/ participated for having in the loco staff strike of 1981, shall be restored

(17)

and (d) received judgment in the (1) and (2) and a decree of reduction passed. (1) & (2) (supra)

and (d) received a decree of reduction in the (1) and (2) (supra)

year of 1990 and a decree of reduction was passed  
(supra) and it is directed that the respondents shall not re-iterate the other directions given because we are directing the respondents to strictly adhere to the directions given by the Supreme Court.

Order of the day is adjourned.

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 ) (Signature) ( S.K.Dhaon )

Member (A) Vice Chairman

/sds/

Attested this day

Member (A) (Signature) (A. H. Patel)

Co-Chairman