

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI

Regn. No. OA 1053 of 1988
and MP No. 1134 of 1988

Date of decision: 7-6-1988

Amar Singh

..... Applicant

Versus

Union of India & others Respondents

CORAM:- Hon'ble Mr. Justice J.D. Jain, Vice-Chairman.

Hon'ble Mr. Birbal Nath, AM.

PRESENT: Mr. S.C. Sharma, Advocate for the applicant.

ORDER (ORAL)-

A penalty of removal from service was imposed on the petitioner consequent upon the disciplinary proceedings having been initiated against him. His appeal against the aforesaid penalty met with no success. Eventually however, vide order dated 28th of May, 1973 the Railway Authority while dismissing his Review Application and upholding the penalty of removal from service, directed that keeping in view the recommendations of the D.M.E. and on compassionate grounds, the petitioner be given a fresh appointment as Safaiwala and since then he has been in continuous service. By this application, the petitioner wants to challenge the validity of the order dated 28th of May, 1973 inter alia contending that there cannot be a penalty like a fresh appointment. Obviously, he is mistaken in reading the impugned order, which clearly states that the penalty from removal from service was upheld. Under the circumstances, the application is clearly barred by time so far as the challenge to this order is concerned.

Faced with this situation, the Counsel for

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the petitioner submits that what he wants is that the benefit of the past service be given to him for pensionary and other retirement benefits. If that be so, it is open to the petitioner to file a fresh application.

With the aforesaid observations, the present application is dismissed.

✓ 7/6/88
(Birbal Nath),
AM

J. D. Jain
(J. D. Jain),
VC

June 7, 1988.