

**Central Administrative Tribunal
Principal Bench**

OA No.1594/2020

New Delhi, this the 19th day of October, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. AradhanaJohri, Member (A)**

Vishakha Singh aged about 58 years
Son of SardarMitha Singh,
Parcel Clerk, Railway Station,
Street No.1-1/2 Behind Nagar Nigam
TubewellNarwana Road,
Guru Amar Dass Nagar,
Bathinda (Group-C)

...Applicant

(By Advocate : Mr. Karnail Singh)

Versus

1. Union of India, through General Manager,
Northern Railway, Baroda House,
New Delhi.
2. General Manager, Vigilance, Headquarters,
Northern Railway, Baroda House, New Delhi.
3. Chief Commercial Manager, Northern Railway/
Deputy General Manager Law, Baroda House,
New Delhi.
4. Divisional Commercial Manager, Northern Railway,
AmbalaCantt.
5. Senior Divisional Personnel Officer
Northern Railway,
Divisional Railway Manager

Office, AmbalaCantt.

6. Additional Divisional Railway Manager,
Northern Railway, AmbalaCantt.
7. Senior Divisional Commercial Manager,
Northern Railway, AmbalaCantt.
8. The Secretary to the Govt. of India,
Ministry of Railways, Rail Bhawan, New Delhi.
9. Executive Director, Vigilance Railway Board,
Rail Bhawan, New Delhi. ...Respondents

(By Advocates : Mr. G.S. Bal, Senior Advocate assisted by
ShriYogesh Putney)

Order(Oral)

Justice L. Narasimha Reddy:

The applicant was appointed as Reservation Clerk in the Northern Railway, and was posted at Bhatinda. He was placed under suspension in the year 2001 and thereafter a charge memo was issued on 28.02.2001 with certain allegations. The Disciplinary Authority passed an order dated 10.07.2003 imposing the punishment of compulsory retirement. On an appeal preferred against the order, an order was passed on

02.12.2013 modifying the punishment, to the one of reversion to the post of Luggage Porter in the pay scale of Rs.2550-3200. The applicant joined the said post. In further appeal, an order was passed on 05.01.2004 modifying the reversion, to the post of Senior Parcel Clerk in the pay band of Rs.4000-6000 with starting pay of Rs.4000/-. It is stated that the applicant availed the remedy of further appeal on 29.01.2004 and the same was not decided. Thereafter, another round of disciplinary proceedings were initiated and through an order dated 07.09.2009 he was removed from service. In the appeal preferred against that, the punishment was modified to the one of reversion to a lower post, vide order dated 18.10.2020.

2. This OA is filed for the relief in the form of a direction to the respondents to dispose of the appeal preferred on 29.01.2004, and to set aside the order dated 18.10.2010, preferred against the order of punishment dated 07.09.2009. Certain other ancillary reliefs are also claimed.

3. During the course of arguments, learned counsel for the applicant submitted that he is not pressing the challenge to the order dated 18.10.2010.

4. The respondents filed a detailed reply raising objection to the very maintainability of the OA. According to them, the punishment which was imposed has assumed finality and the question of interfering with the same does not arise at this stage.

5. We heard Shri Karnail Singh, learned counsel for the applicant and Shri G. S. Bal, Senior Advocate assisted by Shri Yogesh Putney, learned counsel for the respondents.

6. As of now, the challenge is only to the order of punishment of compulsory retirement imposed on 10.07.2003, as modified to different forms. The department was so considerate to the applicant that the order of compulsory retirement was modified to the one of reversion to the post of Luggage Porter and thereafter, it was modified to the one of senior Parcel clerk. It is just un-understable as to what further appeal would lie against the order dated 05.01.2004. The applicant has since retired from service. Before that, retirement he suffered another punishment. The OA is not maintainable at all apart from being barred by delay and laches.

7. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(AradhanaJohri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/mbt/vb/sd