

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No.444/2020

Dated of decision:13.10.2020

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Mrs. Hina P. Shah, Member (J)**

Doongar Singh Rawat Son of Shri Ladu Singh Rawat, aged about 60 years, resident of Village & Post Kanakhedi, Via Sri Nagar, Ajmer and retired on 31.05.2020 from the post of Khallasi under Assistant Mechanical Engineer (P) (Establishment), North Western Railway, Ajmer Division, Ajmer-305001.

...Applicant.

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India, through General Manager, North Western Zone, North Western Railway, Near Jawahar Circle, Jagatpura, Jaipur-302006.
2. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer-305001.
3. Divisional Railway Manager (Establishment), North Western Railway, Ajmer Division, Ajmer-305001.

...Respondents.

ORDER (ORAL)

Per: Dinesh Sharma, Member (A):

The case was heard at the admission stage through video conference.

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2. The learned counsel for the applicant argued that this Tribunal, in their order dated 14.08.2019 (Annexure A/2), had ordered reinstatement of the applicant in service within a period of one month from the date of receipt of a certified copy of that order. The respondents went to the Hon'ble High Court against that order but the Hon'ble High Court dismissed their Writ Petition by order dated 08.01.2020. Following this, the applicant has been reinstated in service by the order of North Western Railway dated 03.02.2020 (Annexure A/1) with immediate effect. Since this reinstatement has come five months after the date of this Tribunal's order (instead of one month from the date of receipt of that order), the applicant is entitled for actual pay and allowances from 15.08.2019 to 13.02.2020, instead of notional fixation.

3. We have gone through our order dated 14.08.2019 (Annexure A/2) on the basis of which the applicant has based his claim in this OA. The operative portion of that order is reproduced below:-

"8. In the result, the instant OA succeeds and is hereby allowed. The respondents' order of 05.09.2011, (Annexure A/2), and 19.07.2013, (Annexure A/1), are set aside and the applicant is ordered to be reinstated in service by the respondents within a period of one month from the date of receipt of a certified copy of this

(3)

order. However, he would be entitled only to the notional benefits of such reinstatement and be entitled to the actual consequential benefits only from the date of reinstatement in service”

4. A plain reading of this order makes it clear that though this Tribunal had ordered reinstatement within one month, it had also made it very clear he would be entitled to only notional benefits of such reinstatement and be entitled to the actual consequential benefits only from the date of reinstatement in service. It is true that the reinstatement has happened 5 months after our order, but it was due to the respondents seeking their legal remedy by way of challenging the order of the Tribunal before the Hon'ble High Court. The respondents have complied with the orders of the Tribunal, immediately after failing in their attempt before the Hon'ble High Court, and the Contempt Petition by the applicant (CP No. 291/56/2019) has also been dismissed by this Tribunal by its order dated 07.09.2020 (Annexure A/8). It is clear that the order of this Tribunal dated 14.08.2019 (Annexure /A2) itself qualified its order regarding reinstatement by saying that the applicant would be entitled to only notional benefits of such reinstatement and the actual consequential benefits only from the date of reinstatement. Hence, the applicant is clearly not entitled to any further claim on the basis of that order. We queried

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the learned counsel once again about whether he has been given notional benefits of the reinstatement or not, and he replied to this in the affirmative.

5. Under these circumstances, there is apparently no merit in this OA, which is solely based on our order dated 14.08.2019 (Annexure A/2). It is therefore, dismissed, at the admission stage itself. No costs.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/