

Central Administrative Tribunal
Principal Bench, New Delhi.

18

OA-2610/91

New Delhi this the 13th Day of October, 1995.

Hon'ble Sh. B.K. Singh, Member(A)

Sh. Kanhaiya Lal,
S/o Sh. Sukha,
R/o H. No. 15, Ram Garhi,
Hapur Road, Ghaziabad(U).

Applicant

(through Sh. Mahesh Srivastava - Applicant in person)

versus

1. Union of India,
through General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Divl. Railway Manager,
Northern Railway, Pahar Ganj,
New Delhi.
3. Loco Foreman, Loco Shed,
Saharanpur,
Northern Railway,
Saharanpur(UP).

Respondents

(through Sh. H.K. Gangwani, advocate)

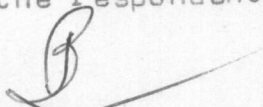
ORDER (ORAL)

delivered by Hon'ble Sh. B.K. Singh, Member(A)

The learned counsel for the respondents stated that the applicant was removed from service on 02.11.1983. He also drew the attention of the court to the reliefs sought for by the applicant.

The reliefs sought for are:-

- (i) that the Hon'ble Tribunal may kindly be pleased to declare that the applicant is entitled to get the benefit of gratuity, pension and other retiral benefits; and
- (ii) to direct the respondents to pay the same.



(10)

The applicant joined as a Khalasi on 29.09.1947. It is stated in the O.A. that he fell sick on 7.11.1979 and when he remained absent unauthorisely till 1983 i.e. for nearly four years, he was removed from service on 02.11.1983. Removal order has not been challenged in this present O.A. The case originally was taken up by Sh. Umesh Mishra & Co. and after the death of late Sh. Umesh Mishra, Sh. Mahesh Srivastava has been engaged. The order sheets show that the adjournments have been sought on various occasions on one ground or the other and the case is listed today for hearing and disposal with the consent of the rival parties. The learned counsel for the applicant is not present. The matter has been heard on behalf of the respondents and Sh. H.K. Gangwani concluded his arguments.

A perusal of the record itself shows that the applicant remained unauthorisely absent from duty for a period of four years which entailed his removal and on merits he has no case. The learned counsel for the respondents has categorically stated that after removal under the rules, the applicant is not entitled to be paid any pension, gratuity or interest thereon. G.P.F. amounting to Rs.6011/- has already been paid to him, as is evident from Annexure-A and Annexure-F filed by him. The applicant has no case on merits and accordingly the application is dismissed as devoid of any merit or substance but without any order as to costs.



(B.K. SINGH)
MEMBER (A)

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