

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CCP No.235 of 1993 In

O.A. No.1159 of 1991

New Delhi this the 22nd day of December, 1993

Mr. Justice S.K. Dhaon, Vice-Chairman

Mr. B.N. Dhoundiyal, Member (A)

Shri Phool Singh  
R/o Village & Post Office Pilkhini  
District Sahara Pur.

...Petitioner

By Advocate Shri B.S. Mainee

Versus

1. Shri S.N. Mathur,  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Shri G.K. Kanchen,  
Divisional Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.

...Respondents

By Advocate Shri B.K. Aggarwal

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

A counter-affidavit has been filed on behalf of the respondents. This affidavit has been sworn in by R. Mukandan, Senior Divisional Personnel Officer, Northern Railway, Divisional Railway Manager Officer, New Delhi. Therein, it is averred that vide notice dated 07.12.1993, the respondents have posted the petitioner as unscreened Loco Cleaner in Grade Rs.750-940(RPS) at Delhi against an existing vacancy. The de novo action against the petitioner will be taken as per rules. It is also stated that delay caused in implementing the judgment is unintentional, bonafide and beyond the control of the respondents.

2. Shri Mainee, the learned counsel for the petitioner has vehemently contended that the tenor of the order of the Tribunal, when it was observed, that the order of discharge was not sustainable, indicated that the Tribunal intended to quash the order whereby he was removed from service. The consequence of that order ~~was~~ that the petitioner should be deemed to be

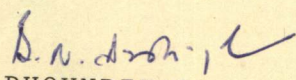



in service from the date of quashing of the impugned order. He, therefore, urges that the petitioner may be compensated in terms of money. We find that on 17.11.1993 a Division Bench of this Tribunal presided over by the Hon'ble Chairman passed an order in the present contempt proceedings to the effect that the hearing was adjourned to 22.12.93 to enable the petitioner to report to the medical authorities and get himself medically examined and consequent action to be taken by the respondents to permit the petitioner for joining time.

3. Shri Mainee should have objected to the passing of the said order if he had intended to advance the contention which he has contended today. In these circumstances, we have no option but to drop the Contempt Proceedings.

4. It goes without saying that, if law permits, it will be open to the petitioner to rake up the issue of payment of back wages before the appropriate authority.

5. The Contempt Petition is dismissed and the notices issued to the respondents are discharged.

  
(B.N. DHOUNDIYAL)  
MEMBER (A)  
22.12.1993

  
(S.K. DHAON)  
VICE CHAIRMAN  
22.12.1993

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