

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
**

D.A.No. 2477/92. Date of decision 14.1.1993

Shri Om Prakash Jain .. APPLICANT

Vs.

Union of India & .. RESPONDENTS
Others.

CORAM:

The Hon'ble Member Shri I.K. Rasgotra, Member (A)

For the Applicant .. Shri D.N. Modhi, counsel

For the Respondents .. Shri Romesh Gautam, counsel

JUDGEMENT (ORAL)

Delivered by Shri I.K. Rasgotra, Member (A) 7

Petitioner in this case was removed from service by the order dated 10.1.1986. The said

order of removal from service was set aside by

the Tribunal vide Judgement dated 20.9.1991 ren-

dered in O.A. No. 1695/87 with the following

directions :-

" We, therefore, allow this OA and set aside the impugned order of removal from service of the application. But we would clarify that this judgement shall not preclude the Inquiry Officer of the disciplinary authority from reviving the proceedings from the stage of Sub-Rule (12) of Rule 9 of the Rules within a period of three months from the date of receipt

of a copy of this judgement"

2. The short point raised in this O.A. is that consequent to the setting aside and quashing of the order of removal from service, the petitioner is entitled to be restored in the seniority list for allotment of railway accommodation at the position where he was prior to the passing of the order of removal. In other words, he would get restored to the position for allotment of railway accommodation, as if the said order of removal was never passed.

3. The respondents have admittedly reinstated the petitioner in service but have not restored his position in the seniority list for allotment of railway accommodation, which should have been done on a normal consequence.

4. I have heard the Learned Counsel of both the parties and considered the matter carefully since the foundation for removing him from the seniority list for allotment of accommodation no longer exists from the very day it was laid, the question of denial of restoring him in the seniority list for allotment of accommodation is patently unjust and improper.

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5. In view of the above facts and circumstances
of the case, I direct the respondents to restore
the position of the applicant in the seniority
list for allotment of railway accommodation ~~and~~ ^{and} ~~removal~~ ^{removal}
the order of removal from service non - est.

No costs.

I. K. Rasgotra
(I.K. Rasgotra)
Member (A)

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