

Central Administrative Tribunal, Principal Bench

O.A. No. 1576 of 1993

New Delhi this the 4th day of October, 1999

Hon'ble Shri S.R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

31

Shri Sri Kishan
S/o Shri Karan Singh
C/o Shri B.S. Mainee
Advocate
240 Jagriti Enclave,
Delhi-92.

..Applicant

Ms. Meenu Mainee, proxy counsel for Shri B.S. Mainee.

Versus

Union of India through:

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad.
3. The Assistant Engineer (I)
Northern Railway,
Allahabad.

..Respondents

By Advocate: None.

ORDER (ORAL)

By Hon'ble Mr. S.R. Adige, Vice Chairman(A)

Applicant impugns respondents orders dated 01.08.1988 (Annexure A-I) instituting an enquiry against him and is aggrieved by respondents action in not permitting him to perform his duties after 22.09.1985.

2. We have heard Ms Meenu Mainee, proxy for Shri B.S. Mainee, counsel for applicant. None appeared for respondents when the case was called out even on the second call.

2

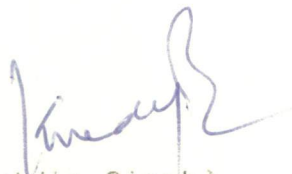
3. Ms. Mainee has stated that applicant Sri Kishan, along with one Shri Hira Lal were removed from service vide respondents order dated 22.09.1985, and after they had been removed from service, respondents had initiated a departmental enquiry against them. In this connection she has invited out attention to the Tribunal's order dated 22.09.1997 in OA 20063/92 filed by Shri Hira Lal. In that OA applicant Shri Hira Lal had similarly complained against the initiation of a departmental enquiry against him after his removal from service vide order dated 22.09.1985. That O.A. was allowed, after noting that there were no materials on record to show that the impugned order dated 22.09.1985 removing applicant Hira Lal from service had been passed after disciplinary proceedings against him had concluded. Accordingly, the impugned order dated 22.09.1985 was quashed and set aside and applicant was deemed to have been in service with all consequential benefits. Liberty was given to respondents to proceed against applicant in accordance with law, if they were so desired. Ms Mainee states that applicant Sri Kishan's case is in all force with the case of Hira Lal.

4. Although a copy of the order removing applicant from service has not been filed with the OA, Ms Mainee has pointed out that he is covered by the respondents order dated 15.1.1988 (Annexure A-6) which relates both to the present applicant Sri Kishan as well as Hira Lal, applicant in OA 2063/92, and refers to his discharge.

5. In the absence of respondents and/or their counsel, there are no materials which could have been brought to our notice, to rebut the aforesaid contentions of applicant's counsel.

6. Nothing has been shown to us to establish that the aforesaid order dated 22.9.1997 in Hira Lal's case (supra) has been stayed, modified or set aside.

7. In the result, in the light of the Tribunal's order dated 22.09.1997 in OA 2063/92, this OA succeeds and is allowed to the extent that applicant should be reinstated within one month from the date of receipt of a copy of this order. The period from the date of removal from service till the date of his re-instatement shall be determined by respondents, in accordance with rules and instructions on the subject. If at all respondents decide to proceed departmentally against applicant, they shall do so strictly in accordance with law. No costs.


(Kuldip Singh)
Member (J)


(S.R. Adige)
Vice Chairman(A)