

11

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2478/93

New Delhi this the 13th Day of July 1999

Hon'ble Mr. V. Ramakrishnan, Vice Chairman (A)  
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Shri Vinod Kumar Saxena  
Patwari Clerk  
under Divisional Railway Manager  
Northern Railway  
Ambala.

Applicant

(By Advocate: Shri B.S. Mainee)

VERSUS

1. The Secretary,  
Ministry of Railways  
Rail Bhawan  
New Delhi.
2. The General Manager  
Northern Railway  
Baroda House  
New Delhi.
3. The Divisional Railway Manager  
Northern Railway  
Ambala Cantt.

Respondents.

(By Advocate: None)

ORDER (Oral)

Hon'ble Mr. V. Ramakrishnan, Vice Chairman (A)

We have heard Mr. Mainee for the applicant. Despite grant of number of opportunities the respondents are not present nor they have filed reply. In view of this, we proceed to dispose of the OA on the basis of the materials on record and the assistance which we have received from the applicant's counsel.

2. The applicant is an employee of U.P. Government who was taken on deputation as Patwari clerk under the

Northern Railway from 16.3.1984. He had been working in the Headquarters office of the Northern Railway, Baroda House. He had represented to the Railway to absorb him permanently but the Railways sought to repatriate him to the UP State on completion of his deputation. He had obtained an interim direction from the Tribunal staying the repatriation by its order dated 10.12.93 which had been continued. Mr. Mainee tells us that he is continuing as Patwari clerk on deputation with the Railways even at present.

3. Mr. Mainee draws our attention to the case of Farookh Ahmed Vs. Union of India, decided by the Principal Bench of the Tribunal on 4.9.97, (1997 ATJ 608) He submits that in an identical situation two other employees namely Farookh Ahmed and A.K. Saxena had approached the Tribunal seeking their permanent absorption in Northern Railway. The Tribunal noted that Shri Farookh Ahmed had already been confirmed in the Northern Railways as Patwari clerk and directed his absorption in the Railways. As regards A.K. Saxena there was a direction to the respondents to consider his case for permanent absorption in the Northern Railway in accordance with law and that past precedent. According to Mr. Mainee the orders have since been implemented and Mr. Saxena has been absorbed. Mr. Mainee has also drawn attention to the letter dated 25.8.88 under which the Railways have taken on deputation the applicant along with Farooq Ahmed and Anand Kumar Saxena, as is seen at Annexure A-B.

4. In the light of the position brought out above and following decision of this Tribunal in Farooq Ahmed and A.K. Saxena's case referred to earlier,

V/

we direct the respondents to consider the case of the applicant for permanent absorption keeping in view the past precedent including that of Farooq Ahmed and Saxena's case. The decision in this regard should be taken and communicated to the applicants within three months from the date of receipt of a copy of this order.

5. The OA is disposed of with the above direction.

No costs.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)  
Member(J)

V.Ramakrishnan

(V.Ramakrishnan)  
Vice Chairman(A)

vtd.