

Central Administrative Tribunal

Allahabad Bench, Allahabad.

Dated: Allahabad, This The 26th Day of July, 2000.

CORAM:

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 201 of 1996.

R.P. Nigam, aged about 60 years,
 son of Late A.P. Nigam, resident of House No.10,
 Block- Y-1, Yashoda Nagar, Kanpur-208011,
 previously employed as Chief Booking Clerk,
 North Railway, Kanpur Central, Kanpur.

. . . Applicant.

Counsel for the applicant: Sri M.K. Vyadhyay and
 Sri N.K. Nigam, Adv.

Versus

1. Union of India, through the Secretary,
 Ministry of Railways, Rail Bhawan, New Delhi.

2. General Manager,
 Northern Railway,
 Baroda House, New Delhi.

3. Divisional Rail Manager, Northern Railway,
 Allahabad.

4. Senior Divisional Commercial Manager
 Northern Railway, Allahabad.

5. Chief Area Manager,
 Northern Railway,
 Kanpur Central, Kanpur.

6. Sri H.R. Pandey, Enquiry Officer,
 Commercial Inspector(II), North Railway,
 Kanpur Central, Kanpur.

. . . Respondents.

Counsel for the Respondents: Sri P. Mathur, Adv.

O_R_D_E_R

(By Hon'ble Mr. S. Dayal, A.M.)

This application has been made under section 27 read with section 14, 22 and 17 of Central Administrative Tribunal Act and under rule 24 of Central Administrative Tribunal (Procedure Rules) 1987. The prayer made in this application is that the respondents be directed to implement the judgment of this Tribunal dated 30.11.92 and pay to the applicant ~~of~~ benefit arising ~~there~~ from including of arrears of pay and allowances inclusive of due increment, due promotional benefit, due revision and fixation pay etc.

2. We have seen the order of this Tribunal in O.A. No. 1243/87 dated 30.11.92 which reads as under:

" Accordingly this application deserves to be allowed and the removal order dated 13.1.87 is quashed. However, it will be open for the respondents to hold an enquiry against the applicant in accordance with law within a period of three months from the date of communication of this order and the applicant shall co-operate with the enquiry. No order as to costs."

3. The applicant has mentioned that he retired on 30.6.1994. It appears that the respondents initiated another departmental enquiry against him after his retirement on 21.10.1994 which was challenged in another O.A. No. 201/96 and by order dated 15.9.1997 the Division Bench ruled as follows:-

" On the consideration of all these facts and legal positions, we came to the conclusion that serving the charge sheet dated 21.10.94 Annexure A-1 and November 1994 Annexure A-2 are

-3-

illegal, are not sustainable in law. We, therefore, quash the departmental proceedings started by way of serving these two charge sheets."

" The applicant has also claimed consequential benefits such as payment of salary, promotion etc. We find that these reliefs are in no way connected with the relief of quashment of charge sheet or departmental enquiry. Thus we do not take them into consideration."

4. The relief sought by the applicant under rule 24 of Central Administrative Tribunal (Procedure Rules) read with sections 27, 14, 22 and 17 of Central Administrative/Act, 1985 is mis-conceived because the consequential relief sought by the applicant does not emanate from any of the two orders of the Tribunal. The right course for the applicant could have been to file another application claiming these reliefs. He may still file it if so advised.

5. There shall be no order as to costs.

Raza
Raza
Member-J.

Sh
Sh
Member-A.

/Raza/