

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NUMBER 333 OF 1996

THURSDAY, THIS THE 21st DAY OF NOVEMBER, 2002

HON'BLE MR. M.P.SINGH, MEMBER (A)

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Pradeep Srivastava
s/o Shri Krishna Mohan Prasad Srivastava,
r/o Dharamshala Road,
Moghal Sarai,
Varanasi.

.....Applicant

Counsel for the Applicant Shri S.L. Kushwaha

V E R S U S

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

2. Dy.Chief Engineer,
Tie Tamping Section,
Plant Depot, Eastern Railway,
Moghal Sarai,
District-Varanasi.

3. Executive Engineer,
Machine Shop,
Tie Tamping Section,
Plant Depot, Eastern Railway,
Moghal Sarai, District-Varanasi.

4. Shop Superintendent (Line) Plant Depot,
Eastern Railway,
Moghal Sarai, District-Varanasi.

....Respondents

Counsel for the Respondents: Shri S.K. Anwar

O R D E R

Hon'ble Mr. M.P. Singh, Member (A) (ORAL)

By filing this O.A., the applicant has claimed the




Shri S.L. Kushwaha

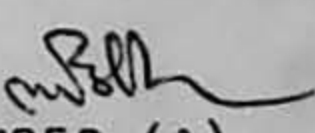
following reliefs:-

- (i) to allow the applicant to resume duty without further delay and treat the period as continuous service with all consequential benefits.
- (ii) to allow any other relief which the Hon'ble Tribunal may deem fit and proper under the circumstances of the case.
- (iii) to award cost of the case to the applicant.

2. The facts of the case are that the applicant was working as Electronic Fitter Grade-II in the Railways. He fell ill and had requested the respondents for according leave from 12.02.1996. A certificate from Private Medical practitioners was produced by him to the respondents. The respondents had asked him to produce a fitness certificate from the Railway Authority. Thereafter, the applicant had produced the certificate of fitness from the Railway Doctor and the respondents in the meantime had also issued a memo to the applicant to explain his absence from duty. Thereafter, the respondent had passed the order dated 02.04.96 and stopped his next increment for one year (non cumulative) and he was warned to work in future carefully following the rules of Railway Service conduct rules 1966. He was allowed to join his duty from the same date i.e. on 02.04.1996. In this O.A. the only relief claimed by the applicant was to resume his duty without further delay and the same was done by the applicant when he joined his duty on 02.04.1996. The O.A., therefore, does not survive and has become infructuous and the same is dismissed as infructuous.

3. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)

Shukla