

Open Court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

.....

ORIGINAL APPLICATION NO. 438 of 1996.

this the 27th day of April 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)
HON'BLE MR. S. BISWAS, MEMBER (A)

Raghwar Prasad, S/o Gangu Ram, resident of Village & Post Office Tari Ghat, Tehsil Zamania, District Ghazipur.

Applicant.

By Advocate : Sri K.K. Yadav.

Versus.

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

2. General Manager, Eastern Railway, Calcutta.
3. Divisional Railway Manager, Danapur.
4. Supdt. of Station, Zamania, Eastern Railway.

Respondents.

By Advocate : Sri M.K. Sharma for Sri A.K. Gaur.

O R D E R (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant-Raghwar Prasad has filed this O.A. seeking directions to the respondent⁴ to allow the applicant on the post of Waterman, Zamania. It is also sought that the directions be issued to the respondents to pay entire arrears of salary to the applicant.

2. As regards the directions to the respondent no. 4 to permit the applicant to join as Waterman, it has been specifically admitted by the applicant vide para 6 of the Rejoinder affidavit that he was permitted to join his

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(12)

duty as Waterman on 22.10.96. Therefore, the learned counsel for the applicant has not pressed the relief no.1.

3. As regards payment of arrears of salary, it is stated by the learned counsel for the applicant that the applicant was under medical treatment during the period from 10.3.93 to 15.10.94 in the Departmental Hospital. The applicant was issued a fitness certificate on 17.2.1994 by the railway doctor recommending his fitness for light duty. Accordingly, the applicant was posted as Waterman vide order dated 4.11.1994 under the respondent no.4. It is also admitted by the respondents in their para 4 of the Counter affidavit that the Station Master, Zamania did not permit the applicant to join his duty as Waterman. The applicant was also advised to resume duty as Waterman at Zamania. It is, thus, clear that the applicant during the period, in question, was not permitted to join his duty as Waterman at Zamania. The learned counsel for the applicant has also mentioned that during this period, the applicant was directed to work at Danapur station and he was also paid the salary for that period. However, the full facts regarding his working at Danapur Railway station are not mentioned in the pleadings. It is not possible to give any specific directions to the respondents in this respect. We, therefore, dispose of this O.A. with the direction to the applicant to submit a proper representation giving full details of working during the period, in question, before the respondent no.3 namely Divisional Railway Manager, Danapur, within a period of one month from today. The respondent no.3 is directed to consider and decide the representation of the applicant by a reasoned and speaking order within a period of three months from the date of receipt of such representation.

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4. The O.A. stands disposed of as above
with no order as to costs.

S. O'Brien
MEMBER (A)

D. McGuire
MEMBER (J)

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