

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

(16)

ORIGINAL APPLICATION NUMBER 1361 of 1997

FRIDAY, THIS THE 1st DAY OF NOVEMBER, 2002HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Ambika Prasad Yadav,  
 S/o Shri Parmeshwar Pd, Yadav,  
 Village: Kolheya,  
 P.O. Malpa,  
 District-Gaya

...Applicant

Counsel for the Applicant Shri K.S. Saxena

## V E R S U S

1. The Union of India, through General Manager,  
 Northern Railway,  
 Baroda House,  
 New Delhi.
2. The Divisional Railway Manager,  
 Northern Railway,  
 Allahabad.
3. The Senior D.E.E. (TRD), N. Rly.,  
 D.R.M. Office,  
 Allahabad.
4. The Divisional Rly. Manager,  
 Northern Railway,  
 Lucknow.

....Respondents

Counsel for the Respondents Shri A. Sthalaker

O R D E R

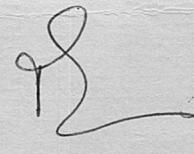
The applicant has sought a direction to the respondents to appoint the applicant as a regular empanelled class-iv employee in the pay-scale of Rs.750-940(RPS) either on Allahabad Division or on Lucknow Division of Railways. He has further sought seniority over his juniors on the panel already appointed and acquired temporary status w.e.f.

....2/-

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18.11.1980 and the difference of pay as arrears upto his date of retrenchment i.e. 06.05.1985.

2. The respondents have filed the Supplementary Counter Affidavit along-with Civil Misc. Application No. 3465/2002 praying that the Supplementary Counter Affidavit be taken on record. In the Supplementary Counter Affidavit, the respondents have given the entire details as to how the applicant was engaged and screened and thereafter ~~given~~ <sup>on</sup> a complaint received in the Railway Board against the petitioner for having obtained to service in the Railway, on the basis of forged casual Labour card. An enquiry was conducted, and action was taken against the applicant under the Railway servant (Discipline and Appeal Rules 1968), in terms of para-3 and the petitioners services were terminated vide order dated 06.05.85 w.e.f. 07.05.85. The said order is also annexed with the Supplementary Counter Affidavit. These are very crucial facts which go to the root of the matter. Accordingly, the M.A. is allowed and Supplementary Counter Affidavit is taken on record. The order dated 06.05.85 and 07.05.85 annexed with the Supplementary Counter Affidavit, clearly shows that the applicant's services have been terminated w.e.f. 07.05.85 on payment <sup>salary of</sup> of 14 days in lieu of notice. The applicant has not challenged the said order, it seems after receiving the Supplementary Counter Affidavit, the applicant has decided not to pursue the matter any further and <sup>is</sup> ~~is~~ not interested in pursuing the matter. Accordingly, without stating anything on the merits of the case, the O.A. is dismissed for default for non prosecution as none appears on behalf of the applicant.



Member-J