

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD.

ORIGINAL APPLICATION NO.1461 OF 1998

ALLAHABAD THIS THE 04TH DAY OF OCTOBER 2004.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.

HON'BLE MR. D.R. TIWARI, A.M.

Heera Lal son of Shri Babu Lal resident of Village Girdharpur, Post
Bamrauli, District Allahabad.

.....Applicant.

(By Advocate : Sri Satish Dwivedi)

Versus.

- 1 Union of India through the General Manager, Northern Railway,
Baroda House, New Delhi.
- 2 The Divisional Engineer (II) Northern Railway, Allahabad.
- 3 The Assistant Engineer (Line), Northern Railway, Allahabad.
- 4 The Permanent Way Inspector, Bharwari, Northern Railway,
Allahabad.

..... Respondents.

(By Advocate : Sri G.P. Agrawal)

ORDER

(By Hon'ble Mr. Justice S.R. Singh, V.C)

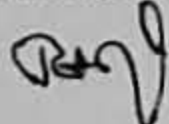
Heard Sri S Dwivedi learned counsel for the applicant and Sri G.P.
Agrawal learned counsel for the respondents.

2. The applicant herein was initially appointed as Gangman from
which he was promoted to the post of Moulder. Subsequently by
order dated 16/18.12.1988 he was reverted to the post of
Gangman. The order of reversion was challenged in O.A.
no.29/89.
3. The reversion order, it was observed, passed on the ground that
the applicant had appeared in the test for Welder in which he
failed and on that basis he was reverted from the post of Moulder
to the post of Gangman. The Tribunal held that the reversion from




the post of Moulder to the post of Gangman merely because the applicant had failed in the test held for the post of Welder was illogical and accordingly set aside the reversion order dated 16/18-12.1988. It appears that consequent upon the order of reversion the applicant to join his duties as Gangman but he failed to do so and absented himself from duty and by impugned order dated 28.10.1995. The applicant has been visited with the penalty of reduction to initial pay of Rs.950 for one year and further directed that his next increment would be withheld for a period of 12 months.

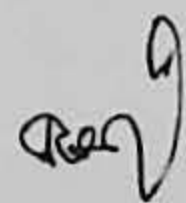
4. Aggrieved against the said order, the applicant has preferred the appeal which could not be decided within 3 months failing which the applicant instituted the instant Original Application for quashing the order of punishment dated 28.10.1995 and requested for issuance of a direction to the respondents to restore the pay of the applicant in original position at-least after the expiry of punishment given in the order dated 28.10.1995 and accordingly re-fixed his pay correctly. Further relief claimed in the original application is of consequential in nature.
5. It has been submitted by learned counsel for the applicant that Disciplinary Authority proceeded as if the applicant had failed to reply to the enquiry report furnished to him. It is also submitted by learned counsel for the applicant that by application Annexure 3, the applicant requested the Permanent Way Inspector to give him the duty, Permanent Way Inspector, it is alleged, asked the applicant that he would be given the duty only after the Court's decision. The respondents have denied the allegation that any application was given by the applicant for joining duties. It is submitted by Sri G.P. Agrawal learned counsel appearing for the respondents that despite repeated notice the applicant did not join his duty on the post of Gangman and remained absent which fact has been established.



6. Having heard counsel for the parties, we are of the view that the applicant is entitled at least to restoration of his pay after expiry of the punishment period of one year. As regard the illegality and propriety of punishment, we are of the view that it would meet in the ends of justice if the Appellate Authority is directed to decide the appeal within a period of three months from the date of receipt of copy of the order.
7. Accordingly the O.A. is disposed of with a direction to the respondents that applicant's pay would be restored forthwith after expiry of the period of punishment of one year and in case his appeal is allowed further consequential order would be passed re-fixing his pay in the relevant scale and Pension Payment Order would be corrected accordingly.
8. The O.A. is disposed of in terms of above direction.

No costs.


Member-A


Vice-Chairman

Manish/-