

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO.1198 OF 98

Allahabad, this the 5th day of May, 1999.

CORAM : Hon 'ble Mr. S.Dayal, Member(A )  
Hon 'ble Mr.S.K.Agrawal, Member(J)

Uma Shankar Singh,  
S/o. T.B.Singh,  
R/o. Central Colony,  
Moghalsarai,  
Varanasi.

.....Applicant.

C/A. Shri S.K.Mishra, Advocate

Versus

1. Union of India through the General Manager,  
E.Rly. Calcutta-1.
2. The Divisional Railway Manager,  
E.Rly. Moghalsarai,  
Varanasi.
3. The Chief Works Manager Plant Depot,  
E.Rly. Moghalsarai.
4. The P.W.I. (Incharge),  
Karam Nasha at Chandauli,  
Distt. Varanasi.

..... Respondents.

C/R. Shri K.P.Singh, Advocate

O R D E R

(By Hon 'ble S.Dayal, Member(A) )

This original application has been filed by the applicant for direction to the respondents to make payment of wages of the applicant from 11-1-97 to 9-2-97 and 6-5-97 to 15-9-97.

2. The applicant has mentioned that he was transferred from Moghalsarai to Aurangabad by order dated 07-11-96

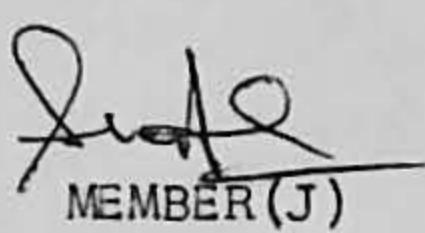
and his transfer was stayed by an order of Division Bench dated 8-1-97. He approached the respondents for compliance of this order but he was allowed duty only w.e.f. 10-2-97 by order of the respondents from 3-2-97. Thus he was denied work from 11-1-97 to 9-2-97 without any justification by the respondents.

3. As regards second period of absence the applicant has mentioned that he was transferred from Engineering to Plant Depot by order dated 14-3-97, but was spared only on 6-5-97 and he reported for duty in Plant Depot on 8-5-97 but was not allowed to join there and was sent back. His application for duty dated 23-5-97 remained un replied. The order dated 3-7-97 was again passed by Plant Depot formally informing Section Engineer, Chandauli that the applicant was not acceptable to Plant Depot, Moghalsarai. The applicant was ultimately allowed to join duty under P.W.I.Chandauli on 16-9-97. Thus the learned counsel for applicant contends that for no fault of the applicant he was not allowed to join duty on the second occasion also. We find that a representation dated 9-11-97 is annexed as Annexure-A14. However this annexure relates only to the second period from 6-5-97 to 15-9-97 when the applicant was not allowed to work.

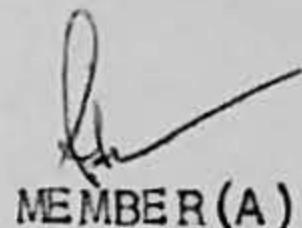
4. Notices were issued in this case on 18-1-99 and Shri K.P.Singh appeared on behalf of the respondents and took notice of this case on 28-1-99. Yet no Counter Reply has been filed by the respondents.

5. Since this matter is regarding payment for a period of five months and the claim made by the

applicant appears to be prima-facie tenable, we do not consider necessary to wait for the filing of Counter Reply by the respondents, but direct the respondents to dispose off any representation made by the applicant within four weeks of passage of this order to the respondents and such representation may be disposed off by the respondents within a period of eight weeks after its receipt by the respondents. The original application is disposed off with the above directions.



MEMBER (J)



MEMBER (A)

satya/