

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 30th day of January 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O.A. No. 1535 of 2001.

Harish Chandra Kanoujia s/o Sri Ram Bahal Kanoujia r/o Uttari  
Humayupur, Gorakhpur.....

..... Applicant.

Counsel for applicant : Sri R.K. Dubey.

Versus

1. Union of India through its General Manager, N.E. Railway,  
Gorakhpur.

2. Chief Workshop Manager, Carriage & Wagon Workshop, N.E.  
Railway, Gorakhpur.

3. Works Manager, Carriage & Wagon Workshop, N.E. Railway,  
Gorakhpur.....

..... Respondents.

Counsel for respondents : Sri K.P. Singh.

ORDER (ORAL)

BY HON. MR. RAFIQUDDIN, J.M.

The applicant has approached the tribunal <sup>for</sup> ~~and~~ R seeking direction to the respondents to pay the salary, D.A. and Bonus etc. for the period from 28.10.92 to 5.4.97 being his termination period and for the period from 13.6.97 to 27.3.98 being his suspension period and also to give the promotion on the post of painter grade-II after fixing his seniority.

2. Briefly stated the case of the applicant is that he joined as painter grade III on 20.2.92. However, the applicant was terminated vide order dated 28.10.92 with the allegation that the applicant had submitted forged III certificates. The applicant had challenged the aforesaid termination order before this tribunal vide O.A. No. 1133/93 and his termination order dated ~~10.9.92~~ <sup>28.10.92</sup> ~~was~~ <sup>unjustified</sup> passed vide order dated 17.1.97 and the applicant was directed to be

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reinstated. The applicant was reinstated by the respondents in pursuance of that order vide order dated 5.4.97 <sup>who</sup> and joined his duties on 7.4.97. Thereafter, the applicant was issued again memo dated 6.9.97 and was also placed under suspension. The applicant was also served with a memo dated 4.6.97 under rule 19 of the Railway Servants (D&A) Rules 1968 and disciplinary proceedings were initiated against him on the allegation that the certificates submitted by the applicant was forged. However, disciplinary authority vide his report dated 6.12.00 exonerated the applicant and he was also reinstated during the pendency of enquiry proceedings, vide order dated 27.5.98, passed by the disciplinary authority.

3. The grievance of the applicant is that he submitted a detailed representation before the respondents on 10.5.2001, a copy of which has been annexed as Annexure-10 to this O.A. in which he requested the authorities to pay his salary for the period he remained under suspension and out of job as a result of his termination order and to grant him promotion by fixing the seniority. This representation was followed by reminders dated 21.6.01 (Annexure 11), second reminder dated 8.9.01 (Annexure 12) which are still pending for suitable orders by the competent authority.

4. We have heard the counsels for the parties.

5. We find it appropriate to dispose of the present O.A. with the direction to the respondent No.2, who is the Chief Workshop Manager, Gorakhpur to consider and pass an appropriate and reasoned order on the representation submitted by the applicant on 10.5.01 in the light of extent rules within a period of three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

*Ratnesh*

J.M.

*De*  
A.M.

Asthana/  
31.1.02