

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHBAD BENCH
ALLAHABAD

Dated: this the 04th day of September 2008

Original Application No. 1411 of 2004

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mrs. Manjulika Gautam, Member (A)

Jhiloo, S/o Sarju, R/o Village Jhotna, P.O. Jhotna,
Distt: Ghazipur.

...Applicant

By Adv : Shri J.K. Chakroborty

Versus

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. Assistant Divisional Engineer, North Eastern Railway, Varanasi.
3. Senior Divisional Engineer, Ist, North Eastern Railway, Varanasi.

...Respondents.

By Adv : K.P. Singh

O R D E R

By Hon'ble Mr. A.K. Gaur, JM

We have heard Shri J.K. Chakroborty learned counsel for the applicant and Sri K.P. Singh learned counsel for the respondents.

2. This OA filed under Section 19 of the Administrative Tribunal's Act, 1985 wherein the applicant has challenged order dated 04.12.2003 and 31.05.2004. Earlier the applicant had approached this Tribunal by filing OA No. 906 of 2003 Jhiloo Vs.

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Union of India and others. In the said OA this Tribunal passed the following orders:

"5. For the reasons stated above, this O.A. is allowed. The orders of the Disciplinary Authority dated 14.5.01 (Annexure 1) as well as the Appellate Authority dated 26.9.01 (Annexure -2) are quashed. The case is remitted to the Disciplinary Authority for passing fresh order in accordance with law in the light of observations made above and in the light of the judgments passed by Hon'ble Supreme Court and High Court which may be filed by the applicant.

6. As the case is old, the Disciplinary Authority will pass the order within three months from the date of receipt of a copy of this order."

3. After remand the case Disciplinary Authority maintained the same punishment of removal from service against which appeal was preferred by the applicant before Appellate Authority and the Appellate Authority after careful analysis passed the order of compulsory retirement.

4. Learned counsel for the applicant has argued that the principle of natural justice has been violated, as the appellate order has not passed order in accordance with law. We find no merit in the OA which is accordingly dismissed.

5. Learned counsel for the applicant lastly submitted that arrears of dues of the applicant is still pending. If any such arrear is pending the applicant may file representation within 10 days from the date of receipt of a copy of this order. If such representation is filed by the applicant, the competent authority will consider and pass reasoned and speaking order and pay him arrears if any, as per rules,

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within a period of 03 months from the date of receipt
of copy of this order alongwith representation.

W. Mountain

Member (A)

/pc/

J. G. Jam

Member (J)