

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No.149/2021**

**This the 11<sup>th</sup> day of February, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

R.K. Rastogi, Age about 57 yrs.  
S/o Sh. Hari Dev Rastogi,  
R/o 193, Achpal Garhi, Pilkhuwa, Hapur UP

... Applicant

(through Sh. U. Srivastava, Advocate)

**Versus**

1. Union of India through the General Manager,  
Northern Railway Baorda House, New Delhi.
2. The Division Railway Manager (P) Moradabad,  
Northern Railway, Moradabad UP
3. The Sr. Divisional Personnel Officer,  
Moradabad (UP)

... Respondents

(through Sh. Krishna Kant Sharma, Advocate)



**ORDER (Oral)****Justice L. Narasimha Reddy, Chairman**

This is the sixth OA filed by the applicant. In addition to that, he filed Writ Petition and about half-a-dozen applications under Right to Information Act. The amount of harassment that may have been caused to the respondents can easily be imagined.

2. The applicant was appointed as Assistant Station Master in the Moradabad Division of the Northern Railway. He remained unauthorizedly absent between 09.12.1993 and 15.02.1994. Disciplinary proceedings were initiated and he was dismissed from service through order dated 28.06.1999. OA.2450/95 filed by the applicant before this Tribunal challenging the order of dismissal was allowed with directions as to backwages and consequential benefits. The applicant was reinstated into service. In W.P.(C) 5209/99 filed by the respondents, the direction as to the payment of backwages was set aside and it is left open to the authorities to decide it. On 08.01.2002 an order was passed stating that the applicant is not entitled for any such benefits. He filed Writ Petition No.4834/2003 challenging that order and on its being dismissal as maintainable, he filed OA 177/2004. That was disposed of directing the respondents to pass fresh order. The



respondents reiterated their stand vide order dated 22.08.2006. The 3<sup>rd</sup> OA, being 2343/2006 was filed. Once again the matter was remitted. This time an order was passed on 01.04.2008 granting 50% backwages. The applicant was unrelenting and he filed 4<sup>th</sup> OA 2324/2008. For the third time the matter was remitted and the respondents were directed to issue show cause notice to the applicant and then to decide. After issuing a notice, an order was passed on 30.10.2009. The 5<sup>th</sup> OA 2609/2010 was filed, for the fourth time the matter was remitted. An order was passed 09.12.2011. The applicant went on testing the patience of the respondents by filing the applications under RTI Act between 2013 and 2017. Apart from the old claim, he added the one for MACP. He was issued replies on 08.05.2018 stating that the pay fixation was already done and MACP is under consideration. On 05.10.2020 MACP was also granted. The present OA 6<sup>th</sup> in series is filed challenging the two orders dated 08.05.2018 and 05.10.2020.

3. The applicant contends that the view taken by the respondents is not correct and that he is entitled to be extended the reliefs in the terms stated by him.



4. We heard Shri U. Srivastava, learned counsel for the applicant and Shri Krishna Kant Sharma, learned counsel for the respondents at the stage of admission.

5. Rarely we come across an employee who harasses an organization, that too the one like the Railways as did the applicant. To be fair, we in the Tribunal also own the responsibility for this. He became heroic once the order of dismissal was set aside by this Tribunal, consequential benefits were allowed and costs were imposed. What is more disheartening is that even after the Hon'ble High Court has set aside the order relating to backwages and left it to the respondents, the Tribunal remanded the matter as many as 4 times and naturally the applicant became emboldened to take up on the administration. It is not as if any serious dispute or question of fact were involved. It was up to the employer to decide the manner in which the period for reinstatement or of suspension must be decided. Not a word was said about violation of any particular provision of law.

6. Being doubtful as to whether the Tribunal would remit the matter for 5<sup>th</sup> time once again, he opened up the avenue of RTI Act and has filed applications, one after the other. Every small and routine step in the context of fixation of pay scales, etc., was found fault with, as though the respondents have no



experience in handling its employees or that the applicant is the only one to serve the organization.

7. Coming to the present OA, the first order challenged in the one, in which the applicant was informed about the factum of the claim for MACP being under consideration. The second order is the one in which the MACP was granted. For any person with the complicated record as that of the applicant, the things would have been serious. More and more the respondents tried to satisfy and pacify the applicant, he is emerging as a source of nuisance for the entire department. We would have imposed heavy costs in this OA, but for the polite attitude exhibited by the learned counsel. We dismiss the OA with a serious warning that if the applicant continues with the same trend, heavy costs will be imposed, apart from directing initiation of other steps that are available in law. We make it clear that it shall be open to the respondents to take action, if he continues his irresponsible acts. The Head of Department shall keep watch on the applicant.

8. OA is dismissed accordingly. There shall be no order as to costs.

**(ARADHANA JOHRI)**  
**MEMBER (ADMN.)**

**(JUSTICE L.NARASIMHA REDDY)**  
**CHAIRMAN**

/sd/akshaya/