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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
Original Application No. 1224 of 1987

Fateh Mohd. .... Applicant

Vs.

Union of India & Others.... Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was working as Senior Booking Clerk in N.E. Railway, Gorakhpur, was chargesheeted on 26.2.1983. After enquiry he was completely exonerated. He was served <sup>with</sup> another chargesheet on 25.7.86. <sup>In which</sup> After the disciplinary proceedings a punishment of reversion of 2 years vide notice dated 28.3.1987. was imposed. Against the punishment the applicant did not file any appeal. The applicant was reverted from the post of Senior Booking Clerk to the Booking Clerk and his pay was fixed at Rs. 1180/- in lower grade for a period of two years vide order dated 25.3.87. During the period from 5.12.82 to 5.1.84 the applicant was on sick list and was under the treatment of some private medical doctor. The said period was regularised as leave without pay by the competent authority. In this application the applicant who had not challenged the reversion order or any other order has claimed salary for the said period.

2. The applicant who was under going punishment for ~~two~~ year with effect from 14.1.1982 was released from punishment 4.7.1984 and thereafter he was again promoted as Head Booking Clerk with effect from 1.1.84 vide order dated 14.5.1987. The applicant was given proforma fixation with effect from 1.1.1984 and his actual payment was made with effect from 11.7.84. The only grievance of the applicant is that he is entitled to payment during the period from 5.12.82 to 5.1.84 during which period he did not work and he was in the sick list and was not even

under treatment of the Railway Doctor but under the treatment of private Doctor.

3. The respondents could have decided this period as leave without pay without paying him any actual amount, and no rule to the contrary could be pointed out. We did not find any merit in the application which is accordingly dismissed. No order as to costs.

*Amalendu S*  
Member (A)

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Vice-Chairman.

28th November, 1991, Alld.

(sph)