

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
ALLAHABAD

O.A. No. 683/1989

S.N.Saxena

Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr. A.B.Gorthi, Adm. Member.

(Hon. Mr. A.B. Gorthi, A.M.).

In this application under section 19 of the
Administrative Tribunals Act, 1985 Shri S.N.Saxena
the applicant has prayed for the following reliefs:

- a) that the respondents be directed to implement
the verdict of this Tribunal in T.A. No. 41/87
(Writ Petition No. 5965 of 1980) and T.A. 571/87
(Writ Petition No. 7808 of 1985),
- b) that the seniority, promotion and pay due to
him be granted immediately quashing all orders
to the contrary issued by the respondents,
- c) that he be allowed to work at Jhansi without
being transferred till his superannuation, and
- d) that suitable strictures be passed against the
respondents for causing him immense mental
suffering and financial loss.

2. We have heard the applicant who argued his
case personally. We also heard the learned counsel for
the respondents and perused the written arguments
submitted by the applicant.

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3. The applicant joined the railway service in the year 1952 and was posted as a Signaller on 19.4.53. The post was upgraded to that of Senior Signaller with effect from 1.4.1956 but he was promoted to that post on 16.3.73 with retrospective effect from 20.10.1958 without consequential monetary benefits. He was transferred from Agra to Jhansi which was later changed to Banda, but the applicant refused to move on transfer. He was chargesheeted and after an enquiry was awarded the punishment of removal from the service.

4. Two writ petitions were filed by him, one seeking promotion to the post of Senior Signaller with effect from 1.4.1956 with all consequential monetary reliefs and the second against his removal from the service. Both the writ petitions on being transferred to this Tribunal were heard and decided on 30.3.88. While dismissing the first case, the Tribunal disposed of the second one with an order that the applicant "will stand restored to his post at Banda with immediate effect". The said order was passed not because there was anything wrong with the order of removal, but because the applicant was "without job for nearly 4½ years and has suffered enough". The Tribunal further directed that the period from the date of removal to the date of his joining duty would be treated as "DIES NON" for all purposes except retirement.

5. The applicant, despite clear orders of Tribunal that he should join duty at Banda reported at Agra and put up several demands. He was then sent to Jhansi so that his demands could be attended to. Despite knowing the applicant's propensity for litigation, the railway

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authorities handled his case of reinstatement rather casually. Though the applicant, at the time of removal, was only a Wireless Operator in the grade of Rs 330-560 (Revised to Rs 1200-2040), he was posted to Banda as a Senior Wireless Operator in the grade of Rs 1400-2300. Thereafter, he was transferred to Jhansi against the post of D.I.W.T. (Rs 1600-2660) after downgrading to that of Senior Wireless Operator. The respondents, however, could sort out this muddle by 17.7.89 when they re-designated the applicant as a Junior Wireless Operator, thus giving rise to this application.

6. Since the applicant was absent without leave for a long period for which he was removed from service and since the period from his removal to reinstatement was to be treated as DIES NON, his promotional prospects were naturally jeopardised, vis-a-vis his erstwhile juniors. This is the main grievance for which the applicant now seeks remedy. The applicant ^{has however been} ~~was~~ promoted to the grade of Senior Wireless Operator (Rs 1400-2300) vide order dated 17.1.91 and his basic salary has been fixed at Rs 1720/- with effect from 23.8.88, the date when he reported to D.R.M.(P) Jhansi.

7. Notwithstanding the confusing contentions of the applicant, we find that the respondents have complied with the directions/order of this Tribunal passed in T.A. No.41/87 and T.A. 571/87 and have given the applicant all his dues up to the date of his retirement on 31.12.90. The written reply filed by the respondents, although at a very belated stage, shows that there is now nothing left for the applicant to agitate before us. The application is therefore, dismissed without any order as to costs.

Shakeel/

[Signature]
A.M.

[Signature]
V.C.

Dated: 25-6-91.