

(Open Court)

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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 1577 of 1992

Allahabad, this the 2nd day of May, 2000.

CORAM : Hon'ble Mr. S. Dayal, Member (A)

Hon'ble Mr. Rafiq Uddin, Member (J)

Vidya Shanker, aged about 54 years,
S/o Late Thamman Lal, resident of 103/135,
Colonel Ganj, Kanpur, presently employed
as Station Master, Northern Railway,
Balrai Railway Station, District Etawah.

.... Applicant.

C/A Shri N.K. Nair

Shri M.K. Upadhyay

Versus

1. Union of India, Through the Secretary,
Ministry of Railways,
Government of India, New Delhi.
2. General Manager, Northern Railway,
Baroda House, New Delhi.
3. Divisional Railway Manager,
Northern Railway,
Allahabad.
4. Senior Divisional Operating Superintendent,
Northern Railway, Allahabad.

.... Respondents.

C/R Shri A.K. Pandey

ORDER

(By Hon'ble Mr. S. Dayal, Member (A))

This application has been filed seeking direction to the respondents to pass necessary orders in restoring the applicant back to post of Station Master retrospectively w.e.f. 21.12.1990 and grant consequential benefits from 21.12.1990 to 14.09.1991.

2. The facts as narrated by the applicant are that the applicant was working as Station Master at Balrai Railway Station w.e.f. October 1978. The applicant while working as Station Master was chargesheeted and was imposed punishment by order dated 21.08.1986 of reduction from rank of Station Master to Assistant Station Master permanently for five years w.e.f. 13.08.1984. The appeal preferred by the applicant against the punishment order was allowed and the punishment was set aside and the case was remanded to disciplinary authority for taking denovo action from the stage of submission of the inquiry report. After denovo inquiry the applicant was given penalty of reduction to the lower rank of Assistant Station Master for five years w.e.f. 21.12.1987. The appeal against this order was rejected but Review Petition addressed to Additional Divisional Railway Manager, Allahabad resulted in moderation of punishment to reduction as Assistant Station Master in the grade of Rs. 1400-2300/- and the basic pay of Rs. 1400/- for a period of three years temporarily. The contention of the applicant is that the penalty period of three years expired on 21.12.1990 and the applicant should have been restored to the rank of Station Master in

the revised pay scale of Rs. 1600-2600/- w.e.f. 21.12.1990. The applicant was restored to the post of Station Master on 26.08.1991. The applicant has claimed benefits of arrears of pay and allowances from 21.12.1990 to 14.09.1991, further promotions on the basis of his ~~regional~~ seniority at par with his juniors namely Shri Nathu Ram and Shri Ram Nath. The representations submitted by the applicant on 12.04.1991, 08.10.1991 and 28.11.1991 as well as 29.03.1992 have not been replied to by the respondents.

3. The arguments of Shri M.K. Upadhyay for the applicant and Shri A.K. Pandey for the respondents have been heard.

4. As regards the first issue raised by the applicant that he should have been re-promoted as Station Master from the date of expiry of the punishment. — Regarding re-promotion from the date of expiry of the punishment, the respondents have stated that the applicant was found eligible and was promoted to the grade of Rs. 1600-2660/- that is of Station Master w.e.f. 28.09.1991. The order passed by Divisional Personnel Officer ⁱⁿ ~~for~~ review on behalf of A.D.R.M. mentions that the punishment was amended from five years to a period of three years temporarily. This would imply that the applicant stood reverted to the lower scale on a temporary basis ~~for a period~~ for a period of three years and therefore, was entitled to be restored to his original post of Station Master from which he was reverted on expiry of the period of three years. The procedure adopted by the respondents of reconsidering his eligibility was not warranted by terms of the punishment order passed. We, therefore,

held that the applicant was entitled to be restored to the post of Station Master on 27.12.1990 and was entitled to all consequential benefits from that date.

5. The applicant has claimed that his juniors were promoted and that he should also have been promoted to the next higher grades from the date of promotions of his juniors. The respondents have mentioned in their supplementary written statements as well as written submissions that Shri Nathu Ram was selected against 10 per cent graduate quota examination on 12.10.1976 as Assistant Yard Master in the scale of Rs. 455-700/-. The applicant was promoted to a lower scale of Station Master of RS. 425-640/- w.e.f. a subsequent date which was 13.10.1978, therefore, Shri Nathu Ram was not junior to him. The respondents in their supplementary written statement have also mentioned that the applicant has concealed the significant fact that he was reduced in the time scale of three steps for three years w.e.f. 24.07.1980 to 23.07.1983 due to which the applicant became junior to his colleagues as the punishment was with cumulative effect. It is not known as to whether the applicant had become junior to Shri Ram Nath on this account at the relevant time which was 21.12.1991. In any case since we have found that the applicant was ~~deemed~~^{due &} for restoration as Station Master after expiry of his order of temporary reversion on 20.12.1990, he is entitled to consequential benefit.

6. In view of the above, we direct the respondents to consider the applicant as having been restored as Station Master w.e.f. 21.12.1990 and allow him all consequential benefits on that basis including arrears

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of pay and allowance for the period from 21.12.1990.
to 14.09.1991.

There shall be no order as to costs.

D. af Widm

Member (J)

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Member (A)

/S.P./