

Open Court.

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 2nd day of August 2000.

Comes: Hon'ble Mr. S. Daval, A.M.

Hon'ble Mr. Rafiq Middin, A.M.

Original Application No. 290 of 1992.

Sri Ambika Fresed  
son of Sri Sarda,  
Villave and Nauze Parsi,  
Post Office Tilgurhi,  
Distt. Allahabad.

... Applicant.

Counsel for the applicant: Sri N.P. Pandey, Adv.

Versus

1. Union of India through the General Manager,  
Northern Railway, Paroda House, New Delhi.
2. The Divisional Railway Manager, Northern  
Railway Allahabad.
3. The Assistant Engineer, Northern Railway, Fatehpur.

... Respondents.

Counsel for the Respondents: Sri G.P. Agarwal, Adv.

Order (Open Court)

(By Hon'ble Mr. S. Daval, A.M.)

This application has been filed for a direction  
to the respondents to re-instate the applicant in  
service as a temporary employee with all the  
consequential benefits with effect from 13.1.1981.  
Further prayer has been made that he should be  
paid emoluments of the period of suspension.

2. The facts narrated by the applicant are  
that he started working on the post of Mali

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on casual basis since 1967 under Permanent Way Inspector, Northern Railway. He claims to have been promoted to the post of Gangman on 10.5.78 and was posted as Store Chowkida at Kurasti Kalan under F.W.I. (Special) Melwa (M.R.) Fatehpur. The applicant was suspended on 21.5.79 and re-instated on 23.10.79. He claims that he was not paid his emoluments from 21.5.79 despite making several representations. He claims that the General Manager Northern Railway, Baroda House in his D.O. letter to M.P. Sri Ram Nihore Rakesh had assured that the matter would be looked into. The applicant received notice on 13.1.81 that he was deemed to have resigned from his appointment as he had been absent for a period exceeding three months. He claims to have submitted a letter addressed to Prime Minister on 4.1.81 and have received a reply from the Prime Minister's office that the Secretary had been instructed to take appropriate action.

3. The arguments of Sri H.P. Pandey for the applicant and Sri S.D. Karoor brief holder of Sri G.P. Agarwal for the respondents have been heard. The pleadings on record have been considered.

4. The learned counsel for the applicant has contended that the order dated 8.1.81 is without any basis in law because it states that the applicant was deemed to have resigned. The respondents in their counter reply have stated that the action taken against the applicant was punitive in nature as it was said to have been taken on account of his absence for a period exceeding