

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 24th day of February, 1997

Original Application No. 891 of 1992

District : Bareilly

CORAM:-

Hon'ble Mr. Justice B.C. Saxena, V.C.

Hon'ble Mr. D.S. Baweja, A.M.

Chaman Lal son of Shri Har Charan Lal  
Working as (T.T.I. Barauni N.E. Railway)  
Resident of 205/I, Vivek Bihar Janakpuri,  
Bareilly.

(By Sri Rakesh Verma, Advocate)

. . . . Applicant

Versus

1. Union of India through Chairman Railway Board, Baroda House, New Delhi.
2. General Manager (Commercial), N.E. Railway, Gorakhpur.
3. Chief personnel Officer, N.E. Railway, Gorakhpur.
4. The D.R.M., N.E. Railway, Sonpur.

(By Sri Lalji Sinha, Advocate)

. . . . Respondents

ORDER (O r a l)

By Hon'ble Mr. Justice B.C. Saxena, V.C.

The applicant through this OA has prayed for an order or direction to be issued to the respondents to regularise his entire period as spent on duty from the date of removal to the date of punishment. He has also sought a direction to be issued to the respondents to make him equivalent in pay to his juniors. The applicant is claiming arrears of pay and allowances from 1974 to 1991.

2. An order under Rule 14(2) has been passed removing the applicant from service. He challenged ~~and~~ <sup>the said</sup> ~~sought~~ order through a writ petition filed before the High Court of Judicature at Allahabad, which was transferred

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to this Tribunal and was registered as TA No. 8 of 1988. The said TA was decided by an order passed on 15-2-1990. The order dated 11-7-1978 as also the appellate order dated 8-7-1979 were set aside. It was also provided that the respondents will be at liberty to act in accordance with law. It appears that a <sup>revision</sup> ~~representation~~ petition which the applicant had preferred to the departmental authorities resulted in further modification of the order of punishment. Initially the punishment of dismissal from service was imposed by an order dated 11-7-1978. The appellate authority modified it to reversion with loss of two years seniority. The revisional authority further modified it and confined it to reduction to the post of T.C. with loss of seniority of one year only. In the present OA, learned counsel for the applicant submitted that he is confining his relief to the payment of arrears of full salary for the period of suspension from 23-8-1972 to 21-5-1975. So far as the earlier suspension period from 28-11-69 to 14-10-1970 is concerned, the payment for the same has been made. In the counter affidavit the respondents in Para 11 have very categorically stated that the period of suspension/removal from 28-11-1969 to 14-7-1970 and 23-8-1972 to 21-5-1975 has been regularised as period spent on duty and he has been paid full salary. In the rejoinder affidavit, <sup>the payment for</sup> ~~no~~ subsequent period of suspension has been disputed. We see no reason to disbelieve the averments made by the respondents in the counter affidavit that the payment has been made, and the period has been regularised as period spent on duty. Since no other relief is claimed, the OA is

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dismissed and disposed of accordingly having no merit.  
The applicant has been admittedly allowed promotion to  
higher posts and notional fixation has also been done.  
He is not aggrieved by denial of arrears of salary on  
the basis of notional promotion to the next higher post.  
The parties shall bear their own costs.

*Ghury's*  
Member (A)

*Bel*  
Vice Chairman

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