

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 9th day of November, 2000

Original Application No.1012/1993

CORAM :-

Hon'ble Mr. Rafiuddin, J.M.

Hon'ble Mr. S. Biswas, A.M.

Naresh Prasad S/o Bhuvneshwar Prasad,

R/o Village-Lakhan Chana, Kali Asthana,

P.O. Mokamesh Ghat, Distt-Patana.

(Sri Rakesh Verma, Advocate)

..... Applicant

Versus

1. Union of India through Ministry  
of Railway, New Delhi.

2. General Manager, North Eastern  
Railway, Gorakhpur.

3. The Divisional Manager, Izzatnagar  
Bareilly, Allahabad.

~~XXXXXXXXXXXXXX~~

4. Assistant Engineer.II-Track, . R  
Northern Eastern Railway,  
Izzatnagar, Allahabad.

(Sri Prashant Mathur, Advocate)

..... Respondents

O R D E R (O\_r\_a\_1)

By Hon'ble Mr. Rafiuddin, J.M.

The applicant is working as a Khalasi and has  
sought a direction to the respondents to make payment of  
to the applicant for the period from 21-5-1990 to  
19-12-1991.

2. Briefly stated the case of the applicant is that  
the applicant was served with a charge sheet dated  
10-7-1990 on 8-10-1991 for the alleged unauthorised  
absence for the period 21-5-1990 to 19-12-1991. The

Rv ?

Salary

grievance of the applicant is that he was under the treatment of Assistant Medical Officer, Mokama in the Railway Hospital and his fitness certificate was duly certified by the said Medical Officer. The respondents have, however, not allowed the applicant to join duty despite his submitting the fitness certificate from the Railway Doctor. The applicant has also not been paid salary for the aforesaid period. The applicant was, however, permitted to join duty on 19-12-1991.

3. We have heard Sri Rakesh Verma, counsel for the applicant and perused the record.

4. It is an admitted case that the charge memo. was served on the applicant and the same is pending decision. Therefore, it is not possible to decide the question whether the applicant is entitled for salary for the period in question unless the enquiry against him for the alleged unauthorised absence is completed by the respondents.

5. Under the circumstances, we dispose of this OA with a direction to the Assistant Engineer II Track, N. E. Rly, Izzatnagar, Bareilly (respondent no.4) to complete the departmental enquiry against the applicant on the basis of charge memo dated 10-7-1990 served on the applicant on 8-10-1991 within a period of three months from the date of communication of this order. There shall be no order as to costs.

*S-2*  
Member (A)

*Dabiruddin*  
Member (J)

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