

OPEN COURT

A2
1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 15th day of October, 1998

Original Application No. 1094 of 1993

Distt Chhapra (Bihar)

CORAM :-

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

Hon'ble Mr. S.K. Agrawal, J.M.

Sri Kant Misra S/o Vindhyaachal Misra
R/o Ghusari Misra P.O. Padari Bazar,
Distt Deoria at present posted
as Fitter Khalasi, Loco Shed Chhapara
Kutchehari, N.E. Railway, District
Chhapara, Bihar.

(Sir P. S. Tripathi/Sri HS Tripathi, Advocates)

. Applicant

Versus

1. Union of India through
Divisional Railway Manager, Varanasi.
2. The General Manager, N.E. Railway,
Gorakhpur.
3. The Divisional Mechanical Engineer,
N.E. Railway, Varanasi.
4. The Loco Diesel Instructor, N.E. Railway,
Varanasi, the Enquiry Officer.

(Sri AK Gaur, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Sri S. Dayal, A.M.

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking a number of reliefs which are mentioned below:-

- (i) a direction to set aside the disciplinary proceedings pending against the applicant since 1983.
- (ii) to reinstate the applicant on his original post
- (iii) to promote the applicant treating him as having been continued in his service ^{to the posts} ~~and~~ to which he is

A2
2

entitled for promotion under law.

- (iv) payment of salary alongwith other benefits like bonus etc. admissible under law.
- (v) Allotment of residential quarter to the applicant to which he may be entitled.
- (vi) issue orders regarding payment of entire bonus and revised salary and other emoluments as admissible in law from 1983 till today.

2. The case of the applicant is that he was appointed in the Eastern Railway, Calcutta in 1954 as a Fitter-Khalasi and was transferred to N.E. Railway and was posted at Katni, District Deoria w.e.f. 19-7-1971. The applicant was dismissed from service on 6-2-1984 on the basis of disciplinary inquiry started against him and he filed an OA before the Tribunal being claim petition no. 1363 of 1986, which was allowed on 30-10-1986. The applicant challenged the OA before the Apex Court for getting the salary for the intervening period, which has been converted into a long leave. His SLP was dismissed and the Railway Department was allowed to hold a fresh inquiry.

3. In the light of the above background, the inquiry has been dropped by the order dated 21/24 July, 1997. The claim of the applicant after dropping of the inquiry ought to be considered.

5. Arguments of Sri P.S. Tripathi, counsel for the applicant and Sri AK Gaur, counsel for the respondents have been heard and pleadings on record have been taken on into account.

6. Learned counsel for the respondents has mentioned that the applicant has since superannuated w.e.f. 30-4-1994. In the light of his background, relief nos. 1, 2, 3, 4, 5 and 6 have become inadmissible. The only issue which remains is to consider the applicant to ^{have} continued in service w.e.f. 6-2-1984. He was

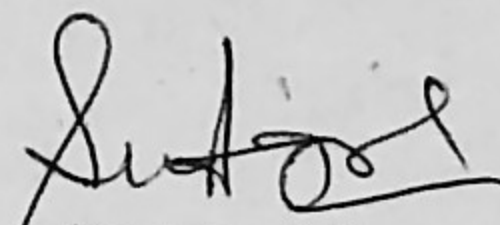
A2
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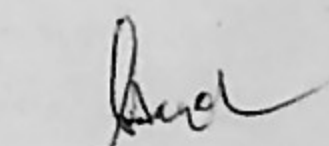
- 3 -

in the cadre of Fitter-Khalasi at that time. He has to be considered for promotion to various posts for which his juniors were considered and orders regarding his promotion passed ^{after such consideration if he is found entitled}. If he is entitled to promotion, financial benefit if any accruing to him on account of his eligibility for such promotions shall be allowed to him.

6. In consequence the respondents are directed to consider the applicant for promotions to which he may have been entitled during the period of service and to which he has to be considered on account of dropping of the disciplinary proceedings against him and grant him financial benefits from the date he is found fit for promotion to higher posts till his retirement.

7. This shall be complied with within a period of four months from the date of communication of this order. There shall be no order as to costs.


Member (J)


Member (A)

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