

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Original Application No. 1181 of 1993

Allahabad this the 15th day of Dec. 1994

Hon'ble Mr. S. Das Gupta, Member (A)  
Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

S.N. Saxena S/o Late Shri M.L. Saxena, Divisional  
Inspector Wireless Traffic under deemed Suspension,  
Railway Quarter No.G-97, Railway Colony, Agra Cantt.  
AGRA, U.P.

Applicant.

Inpersonate Shri

Versus

1. Union of India through the Secretary Govt, of  
India, Ministry of Railways Rail Bhawan,  
New Delhi.
2. The General Manager, Central Railway, Bombay V.T.
3. The Divisional Engineer(North) Estate Officer,  
Divisional Railways Manager's Office, U.P.
4. The Divisional Railway Manager(P), Central  
Railway, Jhansi.

Respondents.

By Advocate Shri V.K. Goel

O R D E R

By Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

The present petitioner, as would appear from the record, has been litigating <sup>he</sup> continuously and the present petition shows that <sup>he</sup> appears to have developed a chronic litigant's leanings, without being clear as to what he requires from the Tribunal. The present petition itself runs into 50 pages with all kinds of statements of facts which are nothing but, confused state of his mind and repetition of old pleas which have been subject matter of his earlier petitions.

2. The applicant after having joined

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services of Railways in the year 1952 was posted as signaller on 19.4.1953 which post was upgraded to that of Senior Signaller w.e.f. 01.4.1956. He, <sup>was</sup> however, promoted to it on 16.3.1973 with retrospective effect w.e.f. 20.10.1958 without consequential monetary benefits. He was transferred from Agra to Jhansi which was later on changed to Banda but, he had not moved in compliance of the order of transfer in the year 1979. He was charge-sheeted and after an enquiry was given the punishment of removal from service. He filed two Writ Petitions in the High Court which were transferred to this Tribunal. Under one petition, he was seeking promotion to the post of Senior Signaller w.e.f. 01.4.1956 with all consequential monetary benefits and second was <sup>against</sup> for his removal from service. This Tribunal had decided both the petitions on 30.3.88. His first petition seeking promotion from 01.4.1956 was dismissed while on the second petition, the Tribunal found that the charges against him culminating into his removal from services were all proved but, Court took note of the facts that he had remained absent from duties for a considerable time though claiming to be on leave. The Court found that his <sup>had</sup> leave never been sanctioned. The Court, however, refused to interfere with the action taken by the administration in ordering his transfer out of Agra Cantt. on administrative grounds. After finding no merits in all the pleas raised by the petitioner, the Court, however, took a sympathetic view considering that he had put in nearly 30 years of service with the Railways and that his mis-conduct



was not involving violence, dis-honesty etc. and was of less serious nature and that his departmental appeal had been disposed of not on merits but being time barred and that he had been without a job since 10.8.1983. It observed that to put an end ~~to~~ litigation the case be remanded back to the departmental appellate authority. It, however, ordered that "he will stand restored to his post at Banda. The period from date of his removal to the date of his joining the duties will be treated as dies-non for all purposes except retirement." A reading of Annexure P-1 shows that the Court took a sympathetic view by giving him these benefits with intention of putting an end to the misery of the petitioner. but, that was ~~not to be~~. He filed a review petition and made certain remarks about the Tribunal which had delevered the Judgements in his favour which were found to be dangerously ~~bordering~~<sup>ing</sup> on the contempt of this Court. The Tribunal, ~~however~~, again took a lenient view for the reasons that he was not having the benefit of services of a lawyer. He filed another O.A. 683 in the year 1989 for a direction to the respondents to implement the Judgement of the Tribunal which was rendered on his two Writ Petitions which were registered as T.A. 41/87 and T.A. 571/87, to give him seniority/promotion of pay due to him quashing ~~all~~ the <sup>passed</sup> ~~orders~~ <sup>judgement</sup> ~~contrary to the~~ issued by the respondents, directing them to allow him to work at Jhansi without being transferred till his superannuation and for passing strictures against them for causing him mental suffering and financial loss. The Court observed " notwithstanding the confusing contention



of the applicant, we find that the respondents have complied with the directions/orders of this Tribunal passed in the T.A.41 and 571 of 1987 and have given the applicant all his dues upto the date of his retirement on 31.12.1990. \* His petition was, thus, dismissed. He filed a petition before the Hon'ble Supreme Court which was also dismissed with advise to him that he may approach the Tribunal if, anything remains due to him. The present petition has been filed with all kinds of annexures of various judgments, interim orders passed by the Courts.

3. In the present petition, the petitioner claims the relief

- A. to direct the respondents to produce the entire records dealing with annexures A, B, D & E which are nothing but proceedings for his ejectment from railway quarters
- B. to initiate the Contempt of Court proceedings against the respondents
- C. to quash the said annexures A, B, D and E
- D. To modify the para 18 of the judgement delivered by the Tribunal on his T.A. 41 and 571 of 1987 by expunging the lines\*to treat the period from the date of removal to the date of joining duties as dies non\* i.e. from 10.8.83 to 22.8.88 on the grounds that he was not issued any show cause notice under
  - (a) F.R.'s 54
  - (b) Rule 1343 and 1344 of the R.I.I
- E. the eviction proceedings notice issued to him under Public Premises Act be dropped as the Estate Officer has no jurisdiction to proceed



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// and to release quarter

no. G-97 on lease for 99 year and for allotment of 2000 sq. mtr. of vacant land on lease for 99 years in front of the residence of Area Railway Manager ~~residence~~ at <sup>him</sup> Agra on the main road, to engage <sup>by</sup> two un-employed sons in "self employment"

- F. to quash the order of his removal from service
- G. to award him upgradation as Senior Signaller w.e.f. 01.4.1956 with re-fixation of pay and payment of arrears.
- H. to initiate <sup>proceedings</sup> against Sri V.D. Gautam, Leave Sanctioning Authority and fix responsibility of other officers who had not sanctioned his leave.
- I. to estimate his sufferings and pass appropriate order with costs.

4- We have heard the petitioner at length and have carefully gone through the entire records. The above narration of facts has been done only to make the facts clear. The petitioner has today mainly argued that the period from the date of his removal to the date of his joining the duties should not have been treated as dies-non as under the rules a show-cause notice was required to be given to him. The contention is totally mis-conceived. It was not his superior officers who are considering the treatment of this period from 10.8.1983 to 22.8.1988 to be treated as dies-non. This order was passed by this Tribunal in his T.A. 41 and 571 of 1987 and that too to give him some succour after having found all the charges against him to be proved and finding nothing wrong with order of his removal from service in the year 1983. The show of compassion to an undeserving person has resulted in his coming to the Court again

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and again. His review application was dismissed immediately after the passing of Judgements by this Tribunal long time back, his prayer to modify para 18 of the Judgement given on his T.A. 41 and 571 of 1987 cannot be considered at all. This Court is neither ~~hearing a review~~ <sup>hearing a review</sup> petition nor can allow the re-opening of an order which <sup>his</sup> ~~is~~ otherwise become final. His other prayers regarding quashing the order of his removal from service was in fact <sup>be</sup> ~~granted~~ granted in the decision of transfer application afore-mentioned and his further prayer for upgradation on the post of Senior Signaller w.e.f. 01.4.1956 was considered in detail while granting him the relief w.e.f. 20.10.1958. That part of the order can also not be re-opened by this Court. He has prayed for direction to initiate proceedings against one Sri V.D. Gautam who was his leave sanctioning authority and had refused to grant him leave in the year 1979 and for fixing responsibility of other officers who had not sanctioned his leave. This Court <sup>shall</sup> ~~does~~ not issue any directions about some acts of his superiors done in the year 1979 which have been held to be justified by this Tribunal while disposing of the T.A. ~~aforesaid~~ <sup>of</sup> finding him absent from duty without sanctioning ~~the~~ leave.

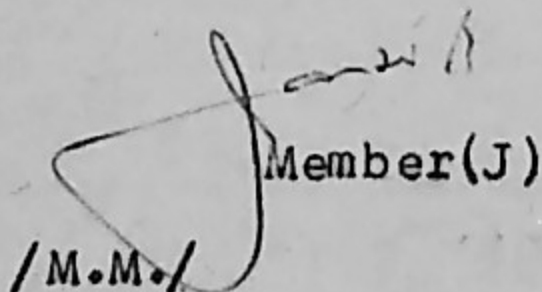
5. His prayer to quash the proceedings under Public Premises Act seeking his ejectment from the quarter in his occupation belonging to Railways shall not be allowed by this Tribunal at this stage.

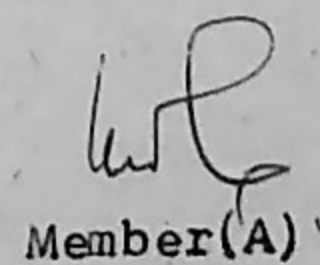


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The Estate Officer has initiated the proceedings after the petitioner retired in the year 1990 and any question or objection which he may like to raise, can be raised before him only. We do not find any lack of authority or jurisdiction in the Estate Officer to proceed under the Public Premises Act from the documents placed on record. However, the petitioner shall be free to raise that objection before the Estate Officer if, some material is there. His other prayer to quash the Annexures A, B, D and E is also found to be without any basis as these are part of those eviction proceedings. His other prayer for direction to lease the said quarter to him for 99 years and direction for allowing 2000sq.mtr. of vacant land on lease for 99 years in front of the residence of the Area Railway Manager at Agra Cantt. are found to be <sup>only not</sup> maintainable but ludicrous. We find that he is not entitled to any compensation for the sufferings he alleges.

6. The petition is, therefore, dismissed with costs of Rs.500/- payable by the petitioner.

  
/M.M./  
Member(J)

  
Member(A)