

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 18th day of July, 2001.

Coram: Hon'ble Mr. Rafiq Uddin, J.M.

Hon'ble Maj. Gen. K.K. Srivastava, A.M.

ORIGINAL APPLICATION NO. 481 OF 1994

Mahtab Singh,  
s/o Kamal Singh,  
r/o H. No. 28-D, Bharthana Station  
Railway Colony, Bharthna Station,  
Etawah.

By Advocate: Sri S. Dwivedi . . . . . Applicant

Versus

1. Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager,  
Northern Railways, Allahabad.
3. Assistant Engineer,  
Northern Railways, Etawah.
4. Shri Ranveer Singh Yadav,  
Permanent Way Inspector (II),  
Bharthana Station, Northern Railways  
Bharthana Railway Station, Etawah.

. . . . . Respondents

By Advocate: Sri P. Mathur

O\_R\_D\_E\_R (ORAL)

(By Hon'ble Mr. Rafiq Uddin, JM)

The applicant, who joined as Permanent Gangman,  
Northern Railway, Etawah, was promoted to the post  
of Head Trolleyman in the month of October, 1984.

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The grievance of the applicant is that he was not allowed to perform his duty as Trolleyman with effect from 7.1.1994 to 23.1.1996 by P.W.I., Bharthana Railway Station, Respondent No.4 for some ulterior motive and the applicant has, therefore, filed this O.A., seeking directions to be issued to the Respondents to permit the applicant to perform his duty on the post of Head Trolleyman and also to pay his salary with effect from 7.1.1994 to 23.1.1996.

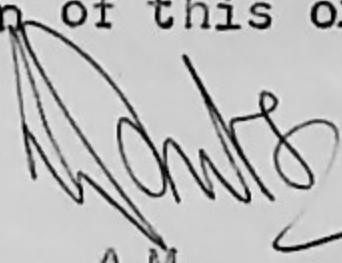
2. According to the applicant, he was attached as Head Trolleyman with the Respondent No.4, while S/Sri Banwari Lal, Pancham Singh and Feroz Ali were attached as Trolleyman. The applicant alleges that Respondent No.4 several times directed the applicant and Feroz Ali for performing his domestic work. Since the applicant refused to work his domestic work, Respondent No.4 became annoyed with him and did not allow him to perform duty since 7.1.1994.

3. We have heard the arguments of Sri Satish Dwivedi for the applicant and Bri Prashant Mathur for the Respondents.

4. It has been brought to our notice by the learned counsel for the Respondents that the applicant has since been permitted to join his duties with effect from 24th January, 1996. Therefore, the relief claimed by the applicant for direction to the Respondents to allow him to join his duties has become infructuous.

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5. As regards payment of salary to the applicant for the period 7.1.94 to 23.1.1996, it is pointed out that a Departmental Enquiry was conducted against the applicant for his alleged unauthorised absence from duty and the Enquiry Officer submitted his report dated 30.3.98, a copy of which is available on file as Annexure No.1 to the 1Ind Supplementary Rejoinder Affidavit. On the basis of this Enquiry Report, disciplinary authority found that the charges levelled against the applicant ~~were~~ not proved, vide his report dated 4.2.1999 (Annexure No.1). It, however, appears that due to the pendency of the present O.A., no further order has been passed by the disciplinary authority regarding payment of salary etc. to the applicant <sup>R for</sup> ~~during~~ the period of absence. We accordingly dispose of this O.A. with the direction to the Respondents to pass appropriate order regarding payment of salary to the applicant for the period 7th January, 1994 to 23rd January, 1996 or till he was allowed to join his duties as per rules within a period of three months from the date of communication of this order. No order as to costs.

  
A.M.

J.M.

Nath/