

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 31st day of January, 2003.

Original Application No. 792 of 1995.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.  
Hon'ble Maj. Gen. K.K. Srivastava, Member-A.

Hira Mani S/o Bhaggo, working as Chowkidar under  
Shop Superintendent (T.T), CPOH Workshop, Northern  
Railway, Subedarganj, Allahabad.

.....Applicant

Counsel for the applicant :- Sri Ashish Srivastava

V E R S U S

1. Union of India through the General Manager,  
Baroda House, New Delhi.
2. Divisional Superintending Engineer (C),  
Northern Railway, D.R.M Office, Allahabad.
3. Deputy Chief Engineer (T.T), C.P.O.H,  
Northern Railway, Subedarganj, Allahabad.
4. C.P.W.I (PQRS), Sri Raj Narain Das,  
Northern Railway, Fatehpur.

.....Respondents

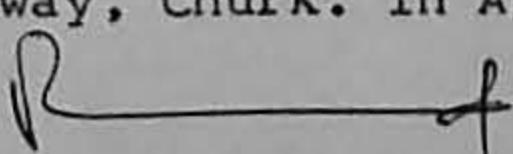
Counsel for the respondents :- Sri Prashant Mathur

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A under section 19 of the Administrative  
Tribunals Act, 1985, the applicant has prayed to quash the  
letter dated 25.07.1995 (annexure A- 1) and letter dated  
28.07.1995 (annexure A- 2) with all consequential benefits.

2. The facts of the case are that the applicant Hira  
Mani was appointed on 31.12.1966 as Permanent Gangman under  
the P.W.I, Northern Railway, Churk. In April, 1982 he was



medically examined. However, he was declared medically unfit in B-1 category. He was recommended for a lower category other than B-1 category. Railway Doctor advised him for light duty and thereafter the applicant was posted as Chowkidar. The applicant continued to work as Chowkidar upto 28.07.1995 when he was repatriated to his unit <sup>or under</sup> P.W.I (P.Q.R.S). This O.A was filed on 14.08.1995 i.e after about 17 days of passing of the order. This Tribunal granted an interim order on 17.08.1995 to the following effect :-

".....Till the next date the operation of the impugned orders dated 25.07.1995 and 28.07.1995 so far as they concern to the applicant shall remain stayed unless the aforesaid two orders have not been given effect to....."

3. The interim order granted by the order dated 17.08.1995 was extended from time to time till 02.05.1996 when court refused to grant extention of the interim order. Thus net position is that there was no interim order in favour of the applicant after 02.05.1996. It is not disputed that the applicant retired from service on 31.12.2002. Thus the relief prayed in this O.A cannot be granted and this O.A has been rendered infructuous. However, the ~~main~~ question ~~was~~ cropped up during the hearing is that <sup>as</sup> ~~of~~ ~~kind~~ the applicant has not worked on the post either as Chowkidar or as Gangman in P.Q.R.S

4. The counter affidavit has been filed in which it has been stated that though the applicant was working as Chowkidar on temporary basis he was ~~withdrawing~~ <sup>receiving</sup> his salary from the parent unit. It has also been submitted that the applicant was relieved from the post on 28.07.1995 itself.

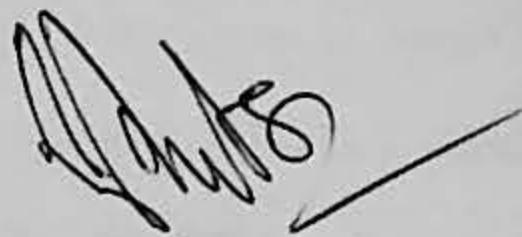
5. As the interim order was not extended after 02.05.1996,

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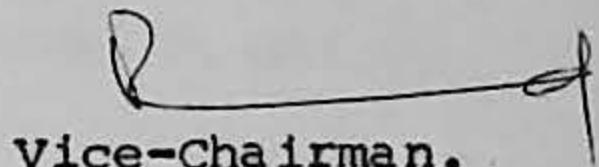
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it appears that the applicant under mis-apprehension that O.A is pending, did not join at the unit P.Q.R.S. However, we leave it to the respondents to pass the suitable order with sympathetic consideration keeping in view his unblamished service from 1966 to 1995 and pay him retiral benefits in accordance with law within a period of four months from the date a copy of this order is filed.

6. Subject to aforesaid observation, the O.A is disposed of finally with no order as to costs.



Member- A.



Vice-Chairman.

/Anand/