

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 2ND DAY OF NOVEMBER, 2000

Original Application No.915 of 1995

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER(A)

Jhabboo Lal, son of Late Hanu Prasad
working as Chowkidar under Inspector
of Works, northern Railway, Shikohabad.

... Applicant

(By Adv: Shri Anand Kumar)

versus

1. Union of India through the General
Manager, Northern Railway, Baroda
House, new Delhi.
2. The Divisional Superintending Engineer(III)
Northern Railway, DRM Office,
Allahabad.
3. The Divisional personnel officer,
Northern Railway, Allahabad.
4. Shri P.N.Singh, Chief Permanent
Way Inspector, Northern Railway,
Etawah.

... Respondents

(By Adv: Shri G.P.Agrawal)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

The facts in short giving rise to this application are that the applicant was serving as Casual Gangman. He met with an accident and as a result thereof his left leg was amputated. After treatment the applicant were declared medically fit and was recommended for alternative job. As applicant was not provided job, he filed OA 1213/93 which was finally decided by order dated 2.12.1994. The operative part of the order reads as under:-

" We allow the application and direct the respondents to assign duty to the applicant on the basis of the medical certificate and fitness certificate No.205536, referred

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to in Annexure A-2 to the Compilation No.2 of the OA. We do not wish to specify any particular post on which the applicant be assigned duty since in the absence of relevant material, it is not clear which of the various posts for which the medical fitness certificate had been issued, are available. The respondents may assign duty in terms of the said medical certificate. There will be no order as to costs."

From the aforesaid, it is clear that there was no direction to pay the applicant wages as arrears for the period 4.6.1992 to 14.2.1994. It is also noteworthy to mention that in the aforesaid OA No.1312/93 an interim order was passed by this Tribunal to the following effect.

"In the meanwhile petitioner shall be paid the salary for the period he has been working and he shall be allowed sadentry job as per advise given in medical report Annexure A-9 of the OA."

Thus it is clear that the question of salary was very much involved in the first OA. This fresh OA for claiming the payment of salary for the period 4.6.1992 to 14.2.1994 and bonus etc is not legally maintainable.

The application is accordingly dismissed. There will be no order as to costs.