

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NUMBER :- 42/02

WEDNESDAY, THIS THE 19TH DAY OF FEBRUARY, 2003

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

HON. MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

Munni Lal,
s/o Sri. Rameshwar Prasad,
r/o Mohalla-Brijesh Kirtan Mandal,
Mohalla-Katra,
Dist:- Banda. ... Applicant.

(By Advocate :- ~~S~~R.K.Pandey)

V E R S U S

1. Union of India through,
the General Manager,
Central Railway,
Bombay, V.T.
 2. Divisional Railway Manager (P),
Central Railway,
Jhansi.
 3. Senior Divisional Account Officer,
Central Railway,
Jhansi.
- Respondents.

(By Advocate :- Shri Anil Kumar)

ORDER


HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

By this application filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for a direction that order dated 29.08.2001 may be declared to be null and void. He has further prayed for a direction to respondents to pay salary of the applicant for the period of 20.01.1986 to 19.01.1988 in scale of the pay of Permanent Way Mistry and thereafter restoring the position and other allowances with 18% interest. The applicant had filed earlier O.A. No.274/1987 for this relief which was disposed of by this Tribunal by order dated 29.02.1988. The direction given was as under:-

"On the quantum of punishment we do feel that it is rather excessive because they takes away all the previous services rendered by the applicant from 27.02.1960 onwards. Having worked already for nearly 25 years the order given by DRM after taking compassion on the applicant for his appointment at a new entrant hits the applicant very severely. On this short point we would have remanded the case back to DRM who has reviewed the case for imposing some other punishment instead of taking away the entire services of the applicant by implementation of his order of fresh appointment. To cut short the litigation we would like to replace this punishment by a punishment of reduction to the lowest scale of the Permanent Way Mistry for a period of two years. He will stand restored to the present position after expiry of this period."

2. In pursuance of the aforesaid order the applicant was granted benefits, however, he felt dis-satisfied and filed O.A. No.1649/1993. The O.A. was disposed of by order dated 02.11.2000. The matter was sent back^{to} the respondents for passing a fresh order after hearing the applicant and re-examining the matter. In pursuance of the aforesaid direction, order has been passed on 29.08.2001. It is pointed out that applicant did not work any-where during the period 21.01.1986 to 08.09.1989. This period has been regularised as Extra Ordinary Leave without pay. Hence the period and, thereafter, pension has been determined.
3. In view of the aforesaid order, the period has been regularised as Extra Ordinary Leave without pay. The applicant is not entitled for any payment. We do not find any illegality in the matter. The order is justified. The O.A. has no merit and is accordingly dismissed.
4. There will be no order as to costs.


Member-A


Vice-Chairman

/Neelam/