

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 23rd day of March, 2004.

Original Application No. 1505 of 2003.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. D.R. Tiwari, Member- A.

A.K. Pandey S/o Sri Deena Nath Pandey
R/o Vill. and Post- Rajpur, Distt. Varanasi.

.....Applicant

Counsel for the applicant :- Sri Sajnu Ram

V E R S U S

1. Union of India through the General Manager,
North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway,
Allahabad.
3. Divisional Superintending Engineer (I),
North Central Railway, Allahabad.
4. Assistant Divisional Engineer,
North Central Railway, Mirzapur.

.....Respondents

Counsel for the respondents :- Sri Avanish Tripathi.

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

Despite repeated opportunities counter reply has not been filed. In the circumstances we have no option but to decide the O.A on the basis of the materials available on record.

2. The applicant, it appears, was working on the post of Khalasi under P.W.I, North Central Railway, Mirzapur. He was dismissed from service vide order dated 26.02.1988 communicated vide letter dated 05.01.1992. The order of dismissal from service although purported to be one of termination simplicitor but the Tribunal found it to be

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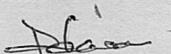
punitive passed on the ground of misconduct ~~for~~ three months unauthorised absence from the duty and accordingly quashed the order dated 26.02.1988 communicated vide letter dated 05.01.1992 and directed the respondents "to re-engage the applicant with all consequential benefits" within three months from the date of communication of the order dated 17.04.2000 whereby the O.A No. 666/92 A.K. Pandey Vs. U.O.I and Ors. was allowed. The applicant, it is submitted by the learned counsel for the applicant, was re-instated w.e.f 11.01.2002. The grievance of the applicant is that he has not been granted the "consequential benefits" which the respondents were directed to give the applicant by the Tribunal vide its order dated 17.04.2000. Contempt Petition No. 166/2002 was filed by the applicant which was rejected vide order dated 25.08.2003 with liberty to the applicant to challenge the action of the respondents on the original side in case he is aggrieved with that. The applicant has, therefore, filed the instant O.A.

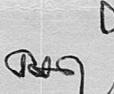
3. It has been submitted by the counsel appearing for the applicant that as a result of quashing of the order of removal/ dismissal dated 26.02.1988 communicated vide letter dated 05.01.1992, the applicant became entitled to be treated as if he was in continuous service entitled to arrears of salary and other service benefits. A perusal of the order passed in contempt petition No. 166/02 would indicate that the stand taken by the respondents ~~for~~ ^{was like} the "consequential benefits" did not include the payment of arrears. Counsel for the applicant has relied on para 1343 of Railway Establishment Code Vol. II and fundamental rule 54 in support of his contention that the applicant would be entitled to arrears of salary when the order of removal/dismissal has been quashed by the Tribunal and the applicant has been re-instated. "With all consequentail benefits", it is submitted by the counsel for the applicant, would mean that the services

(2)

of the applicant had never been terminated.

4. In the absence of the counter reply, we are of the view that ends of justice would be met if ^{OA disposed of with} ~~that~~ ^{receipt of the} the direction ~~is given~~ in case the applicant files a representation, the same shall be considered and disposed of by the competent authority by passing a reasoned order within a period of three months from the date of representation alongwith copy of this order ~~is issued~~ after taking into reckoning such provisions as may be cited by the counsel for the applicant in support of his contention. The O.A is disposed of accordingly with no costs.


Member-A.


Vice-Chairman.

/Anand/