

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No.791 of 2003

Friday, this the 9th day of January, 2004

Hon'ble Mr. V.K. Majotra, V.C.  
Hon'ble Mr. A.K.Bhatnagar, J.M.

Dilip Kumar Manik  
(D.K.Manik)  
son of Shri B.P.Manik,  
Resident of D-38/9,  
Bauz Katra, Varanasi,  
posted as Fireman Grade-C,  
Divisional Office,  
Northern Railway, Loco,  
Varanasi.

....Applicant.

(By Advocate : Shri V.K. Srivastava)

Versus

1. Union of India,  
through its General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. Divisional Rail Manager,  
Northern Railway, Hazaratganj,  
Lucknow.
3. Senior Divisional Technical Engineer (P)  
Northern Railway, Hazaratganj, Lucknow.

.....Respondents.

(By Advocate : Shri A.K.Gaur)

O R D E R

By Hon'ble Mr. V.K. Majotra, V.C. :

Learned counsel for the applicant stated that  
applicant's earlier O.A. No.86/96 was disposed of vide order  
dated 3.1.2003 with the following directions to the respondents :

" For the reasons stated above, this O.A. is partly  
allowed though the orders dated 13.1.1994 and 23.12.1994  
are maintained, so far as the applicant has been found  
guilty of the charge, however, the order of the

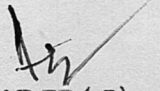
.....2.

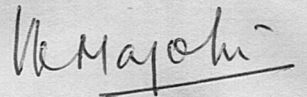


appellate authority dated 23.12.1994 is set aside, so far as he confirms the punishment awarded, the appeal shall be re-considered by the appellate authority on quantum of punishment in the light of the observation stated above. As the matter is very old the appellate authority may decide the matter within three months from the date of receipt of a copy of this order."

2. Learned counsel pointed out that after filing of the extent OA, the respondents have vide their order dated 13-1-2003 converted penalty of removal from service into punishment of compulsory retirement on humanitarian ground. However, the respondents have not yet accorded consequential benefits to the applicant. As such learned counsel sought leave of this court to amend the O.A. He stated that though the applicant is satisfied on reduction of quantum of punishment imposed on him, he is aggrieved that consequential benefits have not yet been granted to him.

3. In the back-drop of the above statement, this O.A. is disposed of directing the respondents to accord the consequential benefits of imposition of penalty of compulsory retirement to the applicant within the prescribed time limit and in terms of the relevant rules. No costs.

  
MEMBER(J)

  
VICE CHAIRMAN

RKM /