

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

ORIGINAL APPLICATION NO. 886 OF 2007

ALLAHABAD Date of decision: 02.05.2011

CORAM:

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER- JM
HON'BLE MR. ASHOK KUMAR, AM**

Raghavar, Aged: about 57 years,
Son of Shri Banshi,
presently working as Chowkidar under
Section Engineer (P.Way)
North Central Railway, Fatehpur.

.....Applicant.

By Advocate : Shri Rakesh Verma

V E R S U S

1. Union of India through
General Manager, North Central
Railway, Nawab Yusuf Road,
Allahabad.
2. Divisional Railway Manager,
North Central Railway,
Allahabad .
3. The Divisional Engineer,
North Central Railway,
Fatehpur.
4. Senior Section Engineer (P.Way)
North Central Railway, Fatehpur. Respondents.

(By Advocate : Shri Anil Dwivedi, Counsel for the Union of India)

2 O R D E R (ORAL)

PER: MR. SANJEEV KAUSHIK, MEMBER (J)

Heard Shri R. Verma, Learned Counsel for the applicant and Shri
Anil Dwivedi Ld. Counsel for the respondents .

[Signature]

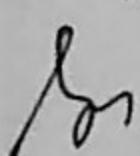
O.A.NO.886/20078

2. Counsel for the applicant states that despite the order passed by this Tribunal in O.A. 424/2005 decided on 26.4.2007 the applicant was not allowed to join the duty and the impugned order has been passed in flagrant violation the of the order passed by this Tribunal.

3. On the other hand, Ld. Counsel for the respondents vehemently argued that in pursuance of this Tribunal's order dated 26.4.2007 the applicant had already been posted on the post of Safaiwala but the applicant did not join on the post and thereafter when he did not report for the duty. Then there is no question of extending any benefit in terms of the order passed by this Tribunal at para 5 of the O.A. This fact has not been disputed by the Learned Counsel for the applicant.

Paragraphs 5 and 6 of the order are reproduced hereinbelow:

"5. The Tribunal is of the view that after the applicants have been absorbed/adjusted on the post of Khalasi/Chaukidar and after they have accepted that postiion, challenge to medical decategorization has become groundless. In so far as the order of Status Quo is concerned, it appears that these orders were passed after the applicants stood relieved from the post of Trackman after medical decategorization. In any case, their claim for salary for intervening period has to be settled by the respondents in accordance with Rules, keeping in view the pendency of these matters and the interim order etc. The respondents should be more practical, than technical, in considering the claim for salary for intervening period. They may proceed as if these persons were not given alternative



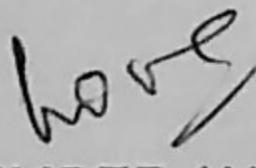
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employment till the date they joined on the posts of Khalasi/Chaukidar.

6. *So these O.As are finally disposed of with a direction that applicant shall give a self contained representation to the respondent No.3, in regard to their claim for the salary for a period from 26.1.2005 to the date of their joining on the post of Khalasi/Chaukidar and thereupon respondent No.3, shall take decision, within a period of three weeks, from the date a certified copy of the order together with copy of the said representation is produced before him"*

4. From the above facts, it is clear that after obtaining *status quo* order from this Tribunal the applicant never bothered to approach the respondents with regard to his posting. Now he has claimed salary for the intervening period i.e. from 29.01.2005 to 02.12.2006. Admittedly the applicant did not report for the duty. Neither any averments to this effect has been made in O.A. nor any document has been appended to show that after *status quo* order he approached the respondent to allow him to join duty. Even Counsel for the respondent did not dispute the same.

5. In view of the above, we feel no reason to interfere with the impugned order dated 1.06.2007 Annexure A.I. Hence the O.A. is dismissed being devoid of merits.


MEMBER (A)


MEMBER (J)

Sj*