

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

No
Backwages

O.A. No. /432/92

~~Ex. No.~~

DATE OF DECISION 07.12.1992

Shri J.P.Solanki

Petitioner

Mr.D.M.Thakker

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondent

Mr.Akil Kureshi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan
Vice Chairman

The Hon'ble Mr. R.C.Bhatt
Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

Shri J.P.Solanki,

Nr.Our own High School,

Station Road,At & post: Prantij,

District : Sabarkantha.

.....applicant

(Advocate : Mr.D.M.Thakker)

versus

1. Union of India

Notice to be served through,
The Under Secretary,
to the Government,
Ministry of Finance,
New Delhi.

2. The Collector,
Central Excise &
Customs,
Custom House,
Navrangpura,
Ahmedabad.

4. The Additional Collector
(P&E)
Central Excise & Customs,
Ahmedabad.

3. The Dy.Collector,
Central Excise & Customs,
Custom House,
Navrangpura,
Ahmedabad.

.....respondents

(Advocate : Mr.Akil Kureshi)

ORAL ORDER

O.A./432/92

Date : 07.12.1992

Per : Hon'ble Mr.N.V.Krishnan
Vice Chairman

Heard. Mr.D.M.Thakker for the applicant.

At our request, Mr.Akil Kureshi advocate appears for

...3...


the respondents. He ~~is~~ submitted that the relief sought ~~by~~ the applicant is to be given by the Additional Collector (P & E), Central Excise and Customs, who has not been impleaded. The learned counsel for the applicant seeks oral permission to implead this official as respondent no.4. In the view that we are taking in the matter, the permission is granted. The Registry is directed to carry out the necessary corrections in the application.

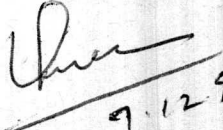
2. ^u By ~~By~~ the order dated 08.8.91 in O.A.776/88 (Annexure A) the order of the disciplinary authorities dismissing the applicant was set aside and the respondents were directed to comply with the order within 15 days. The respondents were left with the liberty to continue the D.E., if they so chose from the stage of default committed by them. Accordingly, the applicant was reinstated by the Annexure A/2 order dated 17.2.92. The grievance of the applicant is that the for the period from the date of his dismissal i.e. 30.6.86 till ^u back wages have reinstatement / not been given to him. He says that this is his right. His representations have not yielded fruit. Hence, he has prayed as follows :-

" YOUR HONOUR be pleased to quash and set aside the action of the respondents in not paying backwages to the applicant for the period between 30.6.86 to 16.2.92 and be pleased to direct the respondents to forthwith pay the full back wages to the applicant for the said period."

3. The applicant is entitled to a decision about the wages of the period and that decision has to be communicated to him. After hearing the parties, we are satisfied that this application can be disposed of by issuing suitable direction to the 4th respondent, to dispose it of ^{in this request} within a period of 4 weeks from the date of receipt of this order under intimation to the applicant.

4. We therefore, dispose of this application by directing the 4th respondent impleaded today (i.e. *Additional Collector P & E Central Division*) to treat the O.A. as a representation addressed to him and consider the prayer made ^{in for} ~~therefor~~ backwages in accordance with law and accordingly, the application is disposed of as above.


(R.C. Bhatt)
Member (J)


9.12.92
(N.V. Krishnan)
Vice Chairman

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Shri J.P.Solanki,
Nr.Our own High School,
Station Road,At & post: Prantij,
District : Sabarkantha.
(Advocate : Mr.D.M.Thakker)

.....applicant

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(Advocate : Mr.Akil Kureshi)

ORAL ORDER

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the respondents. He submitted that the relief sought by the applicant is to be given by the Additional Collector (P & E), Central Excise and Customs, who has not been impleaded. The learned counsel for the applicant seeks oral permission to implead this official as respondent no.4. In the view that we are taking in the matter, the permission is granted. The Registry is directed to carry out the necessary corrections in the application.

2. Pray the order dated 08.8.91 in O.A.776/88 (Annexure A) the order of the disciplinary authorities dismissing the applicant was set aside and the respondents were directed to comply with the order within 15 days. The respondents were left with the liberty to continue the D.E., if they so chose from the stage of default committed by them. Accordingly, the applicant was reinstated by the Annexure A/2 order dated 17.2.92. The grievance of the applicant is that the for the period from the date of his dismissal i.e. 30.6.86 till reinstatement not been given to him. He says that this is his right. His representations have not yielded fruit. Hence, he has prayed as follows :-

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(R.C.Bhatt)
Member (J)

(N.V.Krishnan)
Vice Chairman