

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

R.A. No. 36 of 1993  
~~E.A. No.~~ in MA/337/93  
in OA/454/92

DATE OF DECISION 28-9-1993

Shri Bashirkhan Alikhan Pathan Petitioner

Shri Bashirkhan Alikhan Pathan Advocate for the Petitioner(s)  
( Party-in-Person)

Versus

Divnl. Mechanical Engineer & Ors. Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel

Vice-Chairman

The Hon'ble Mr. V. Radhakrishnan

Member (A)

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 Bashirkhan Alikhan Pathan,  
186, Soni's Khetar,  
Near Bhairavnath,  
Shah-2-Alam, Ahmedabad.

..... Applicant

Shri Bashirkhan Alikhan Pathan

(Party-in-Person)

Versus

1. Divisional Mechanical  
Engineer(Diesel),  
Western Rly. Vatva,  
Ahmedabad.
2. Divisional Rly. Manager(Est),  
Western Rly. Pratapnagar,  
Baroda.
3. General Manager,  
Western Railway,  
Churchgate, Bombay.
4. Union of India through  
The Secretary,  
Ministry of Railways,  
Secretariat, New Delhi.

..... Respondents

Shri N.S. Shevde

..... Advocate.

J U D G M E N T

R.A. 36 of 1993 *IN* M.A. 337 of 1993  
IN

O.A. 454 of 1992

Date:- 28-9-1993

Per Hon'ble


Mr. N.B. Patel


Vice-Chairman

O.A. is filed by the applicant for quashing the charge-sheet which is issued to him and he has also prayed for a relief that the respondents may be directed to promote the applicant to the post of Chief Clerk from the post of Head Clerk, which he is now occupying. In this O.A., the applicant filed M.A. 337/93 for a direction

to the respondents not to stop payment of regular monthly salary to the applicant. It appears that the applicant claims that, he has a right to be promoted to the post of Chief Clerk notwithstanding the pendency of inquiry against him which he wants to be quashed. It further appears that the respondents are ready to allow the applicant to join duty as Head Clerk and also to pay salary etc. to him on that basis but the applicant is not prepared to work as Head Clerk and insists on being promoted to the post of Chief Clerk and being paid salary etc. on that basis. It is stated that the applicant does not report for duty as Head Clerk nor submits any leave report. In these circumstances, we have rejected M.A.337/92 on the ground that no direction requiring the respondents to make payment of salary can be issued. The applicant has moved the present Review Application for a review of our said order and has prayed for allowing the M.A. 337/92. We see absolutely no ground to review our order, rejecting the prayer in M.A. 337/92 for a direction to the respondents to make payment of salary to the applicant.

The Review Application is, therefore, summarily rejected.

  
( V. Radhakrishnan )  
Member (A)

  
( N.B. Patel )  
Vice-Chairman.

'pkk'