

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 15.01.1998

OA 343/97

Bhagwati Lal, Bearer in the office of Chief Instructor (Diesel) Training Centre, Jodhpur.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Shri Munnu Goel, Sr.Divisional Mechanical Engineer, Northern Railway, Jodhpur Division, Jodhpur.
3. Chief Instructor (Diesel), Training Centre, Bhagat-ki-Kothi, Jodhpur, Western Railway.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.J.K.Kaushik

For the Respondents

... Mr.B.L.Sharma, Advocate, brief  
holder for Mr.S.S.Vyas

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Bhagwati Lal, in this application under Section 19 of the Administrative Tribunals Act, 1985, has sought a direction to the respondents to take him on duty on the post of Bearer at the Diesel Shed Training Centre, Bhagat-ki-Kothi, Jodhpur, with all consequential benefits including treating the intervening period as spent on duty for all purposes.

2. We have heard the learned counsel for the applicant and Mr.B.L.Sharma, Advocate, brief holder for the Mr.S.S.Vyas counsel for the respondents, and have carefully perused the records of the case. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. The applicant holds the post of Bearer in the office of Chief Instructor (Diesel) Training Centre, Jodhpur. His contention is that he was kept out of duty for no fault of his own. He was also marked absent despite the fact that he was always present to perform his duty. It is also stated by the applicant that he is entitled to salary for the intervening period during which he was not assigned duties. On the contrary, the respondents have stated that the applicant himself remained absent unauthorisedly without any sufficient cause. It is also contended by the respondents that the applicant was never asked to

work at any other place except in the Diesel Shed Training Centre, Bhagat-ki-Kothi at Jodhpur, wherein he was posted.

4. It has been stated by the learned counsel for the applicant that the applicant has been taken on duty as a Bearer at the place of his posting on 28.11.97. His main grievance, therefore, does not survive. So far as the question of treating the intervening period as spent on duty is concerned, the applicant shall make a representation to respondent No.3 in this behalf within a period of one month from the date of this order and the same shall be decided by respondent No.3 within a month of the receipt thereof.

5. The OA stands disposed of accordingly at the stage of admission with no order as to costs.

Gopal Singh

(GOPAL SINGH)

ADM. MEMBER

Gopal Krishna

(GOPAL KRISHNA)

VICE CHAIRMAN

VK

Part II and III destroyed  
in my presence on 23-3-2004  
under the supervision of  
Section Officer ( ) as per  
order dated 22/12/2003

23-3-04  
Section officer (Record)

File record  
on 19/1/98  
From photocopies  
R/H  
23-3-04

R/COPY  
19/1/98  
23-3-04

Recd  
3/2/03

Encl 1  
Encl 2  
Encl 3  
Encl 4  
Encl 5  
Encl 6  
Encl 7  
Encl 8  
Encl 9  
Encl 10  
Encl 11  
Encl 12