

**Central Administrative Tribunal  
Lucknow Bench, Lucknow**

O.A.No.558/2005

Monday, this the 16<sup>th</sup> day of March 2009

**Hon'ble Shri Shanker Raju, Member (J)  
Hon'ble Smt. Veena Chhotray, Member (A)**

Amjad aged about 50 years  
Son of Sri Balhey, presently posted as  
Trolley Man under Section Engineer (PW)  
N Railway, Safipur, Distt. Unnao

..Applicant

(By Advocate: Shri A.K. Dixit)

Versus

1. Union of India through General Manager  
Northern Railway, Head Quarters  
Baroda House, New Delhi
2. Divisional Rail Manager, N Railway,  
Mooradabadd
3. Divisional Superintending Engineer-II  
N. Railway, Mooradabad
4. Assistant Divisional Engineer-II  
N. Railway, Hardoi
5. Section Engineer (PW)  
N Railway, Safipur Distt. Unnao

..Respondents

(By Advocate: Shri Praveen Kumar for Shri M.K. Singh)

**ORDER (ORAL)**

**Shri Shanker Raju:**

After hearing the learned counsel for the parties, it is found that periods from 17.6.2002 to 17.7.2003 and from 1.12.2003 to 18.3.2004 have been treated as duty by the respondents. As such, the benefits shall be bestowed upon the applicant with arrears.

2. Regarding the period from 18.7.2003 to 30.11.2003, the same has been treated as *dies non*. It is also stated by learned counsel that the applicant has not joined duties whereas this has been opposed by learned counsel for respondents.

3. Be that as it may, the fact that the period has been treated as *dies non* without affording a reasonable opportunity to show cause is deprivation of a reasonable opportunity and is in violation of FR 17A as well as principles of natural justice.

4. OA stands disposed of with a direction to disburse the pay and arrears to the applicant for the periods from 17.6.2002 to 17.7.2003 and from 1.12.2003 to 18.3.2004 within a period of three months from the date of receipt of a copy of this order. Regarding the period of *dies non*, the order is set aside. Respondents are directed to follow due procedure of law before treating this period as per law and rules within the aforesaid period. No costs.

*Chhotray*  
( Veena Chhotray )  
Member (A)

*S. Raju*  
( Shanker Raju )  
Member (J)

/sunil/

*Order entered  
March 16.3.2009  
Rehmd  
16.3.2009*