

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 110/2006

This the 14th day of August, 2008

HON'BLE DR. A.K.MISHRA, MEMBER (A)

Anees Ahmad aged about adult son of Shri Gaffur, resident of C/o-554/172 Arjun Nagar, Alambagh, Lucknow.

Applicant

By Advocate; Sri Praveen Kumar

Versus

1. Union of India through the General Manager, Northern Railways, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Moradabad.
3. The Assistan Divisional Engineer, Northern Railway, Nazeerabad.
4. Shri Sukhbir singh presently posted as Sr. Section Engineer (Permanent Way), Bijnore.

Respondents

By Advocate: Sri S.Verma

ORDER (ORAL)

BY HON'BLE DR. A.K. MISHRA, MEMBER (A)

Heard counsel for the parties.

2. The Counsel for the applicant submits that even spite of directions of Assistant Engineering (Electrical), who is the competent authority in the case of the applicant, he was not allowed to report to his duties. A number of representations made by him fell on deaf ears. Therefore, he was forced to approach this Tribunal and a direction was given to permit the applicant to joining his duty. On the basis of which, he was taken on duty on 24.12.2005. There was an interregnum between 26.7.2005 to 24.12.2005 in which he was forcibly made to remain absent. He is claiming full service benetits for the period.

3. Counsel for the respondents submitted that the applicant was directed in writing to report duty on 28.7.2005, the same very date on which he produced the directions from the competent authority but he deliberately absented himself from his duty. This matter was reported to the competent authority by the Section Engineer on the basis of which the respondent No.2 issued a letter to the applicant on 16.9.2005, asking him to report to his duty failing which appropriate action would be taken against him.



4. According to him, there was no occasion for the Section Engineer to disobey the legitimate order of the superior authority. On the other hand, learned counsel for the respondents submitted that as per the previous conduct of the applicant, his case was one of habitual insubordination.

5. Counsel for the applicant stated that the so called letter asking the applicant to report ^{to} duty is not a genuine one. It has been manufactured by respondent No.3 in order to save his own skin. If this should have been a genuine direction, then this fact should have been mentioned while issuing the order allowing the applicant to resume his duties consequent on receiving the direction from this Tribunal in the month of December, 2005.

6. Since a number of allegations and counter allegations about the service of letters, their genuineness have been made, it is very difficult to go into the authenticity of these documents and their service at this level.

7. Both the counsel agreed that ends of justice would be met if the Tribunal gave a direction to respondent No. 2 to cause an enquiry into the whole matter and particularly about the grievance of the applicant that he was forced to remain absent during the period, for which he was claiming full service benefits. While conducting the enquiry, applicant should be given full opportunity. The Respondent No. 2 accordingly is directed to complete the enquiry in two months from the date of receipt of a copy of this order.

8. With these observations, O.A is disposed of without any order as to costs.


MEMBER (A)

Hls/-