

(9)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

XXXXXX

T. A. No. 277 and 278/87

198

DATE OF DECISION 26.4.1991

SHRI RAMKRISHNA KASHINATH

Petitioner

Mr. P. C. MADKHOLKAR

Advocate for the Petitioner(s)

Versus

The Divisional Rly. Manager, C.R. Respondent
Nagpur and others.

Mr. S. K. Sanyal

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P. S. CHAUDHURI, Member (A)

The Hon'ble Mr. T. C. S. REDDY, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
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 ?

Yes

No



 (P. S. CHAUDHURI)

 M(A)

10

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
BENCH AT NAGPUR

TRANSFER APPLICATIONS No.277 and 278/87

SHRI Ramkrishna Kashinath
Driver 'C' (Compulsorily retired)
resident of Vishwakarma Nagar,
Near Medical college, Nagpur.

2. SHRI Rawaji Gangaram,
Driver 'C' (Compulsorily retired),
Ta. and Dist. Nagpur.

.... Applicants

Vs.

The Divisional Railway Manager,
Central Railway, Nagpur and others Respondents

CORAM : HON'BLE SHRI P.S.CHAUDHURI, Member (A)

HON'BLE SHRI T.C.S.REDDY, Member (J)

Appearance

Mr. P.C. Madkholkar, Adv,
for the applicants.

Mr. S.K. Sanyal, Adv,
for the respondents.

ORAL JUDGMENT
(PER: P.S.CHAUDHURI, M(A))

Dated: 26.4.1991

These two Transferred Applications, Nos. 277 and 288/87, have come to the Tribunal by way of transfer from the Bombay High Court in terms of its separate orders dated 21.10.1986 on Writ Petitions No.1816 and 1817/ respectively which were both filed before it on 8.8.1983. /83

2. These two Transferred Applications can conveniently be disposed of by a common order as both the applications involve common questions of facts and law.

3. The applicants(petitioners) in both the cases are Drivers 'C' on Central Railway who are challenging the separate orders dated 7.2.1981 by which they are compulsorily retired from service.

4. The respondents had opposed the writ petitions by filing their written returns. We have heard Mr.P.C. Madkholkar, learned counsel for the applicant and Mr.S.K. Sanyal, learned counsel for the respondents.

5. At the outset Mr.Sanyal files a pursis, a copy of which has been given to Mr. Madkholkar, submitting that in view of the decision of the Railway Board, it has been directed that the petitioners be reinstated in service and that further, since the petitioners have already crossed the date of superannuation, the intervening period should be regularised and leave due to the extent permissible and available and rest of the period be treated as duty. It is Mr.Sanyal's submission that in view of these submissions the petitions no longer survive.

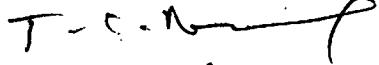
6. Mr. Madkholkar submits that considering that the respondents have taken time from 1985 to finally come to this decision, a specific time limit should be laid down for fixing the pay/pension of the applicants, paying them the arrears due and to pay them pension at the revised rate thereafter. We are of the view that considering the facts and circumstances of these two transferred applications,

(P)

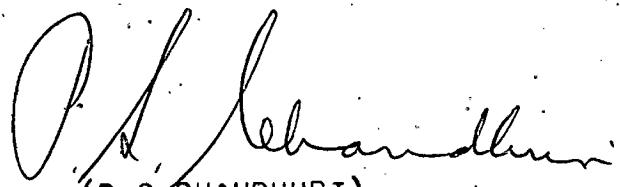
Tr. NO. 277 and 278/87

such a direction is warranted.

7. We accordingly dispose of these two transferred applications in terms of the submissions made by the respondents reproduced above and with a direction that all payments due shall be made by 7.8.1991. In the circumstances of the case there will be no order as to costs.



(T.C.REDDY)
MEMBER(J)



(P.S.CHAUDHURI)
MEMBER(A)