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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 511/87

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198

DATE OF DECISION 1.4.1991

Mr. Raghunath T. Bendkule Petitioner

Mr. D.V. Ganjal Advocate for the Petitioner(s)

Versus

Divisional Railway Manager, Respondent
Bhusawal & 2 Ors.

Mr. P.R. Pai Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.Y. Priolkar, Member (A)

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

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 ?

(M.Y. Priolkar)
Member (A)

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
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Original Application No.511/87

Raghunath Tukaram Bendkule,
At & Post : Kunde Wadi,
Taluk : Niphad,
Nasik (District)

... Applicant

V/s

1. Divisional Railway Manager,
Central Railway,
Bhusawal.
2. Senior Divisional Engineer,
Central Railway,
Bhusawal.
3. Assistant Engineer (West),
Central Railway,
Manmad.

... Respondents

CORAM : Hon'ble Member (A), Shri M.Y.Priolkar
Hon'ble Member (J), Shri T.C.Reddy

Appearances:

Mr. D.V.Gangal, Advocate,
for the applicant and
Mr. P.R.Pai, Advocate,
for the respondents.

ORAL JUDGEMENT:

Dated : 1.4.1991

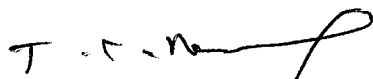
{Per. M.Y.Priolkar, Member (A) }


This application was filed by the applicant against the order of his removal with the prayer that the applicant may be declared to have continued in the services of the Railway from 30.9.1985 with backwages and all consequential monetary and non-monetary benefits. Today, the counsel for both sides stated before us that the applicant has since been reinstated in service and has also been granted backwages from 30.9.1985. The only grievance which still subsists is that the period from 19.8.1989 to 14.9.1990 is treated as leave due on the ground that a copy of the judgement of the criminal

court dated 19.5.1989 on the basis of which the applicant has been reinstated was received by the applicant on 18.8.1989 but was submitted to the respondents only on 19.4.1990. There is no satisfactory explanation for this delay of eight months on the part of the applicant in submitting the copy of the judgement. Equally, the Railways have taken the decision only after five months from the date a copy of the judgement was given to them, with the result that a period of almost 13 months has been ordered to be treated as leave due of any kind, although it will count for continuity in service.

2. The learned counsel for the applicant fairly submitted that he has no explanation for the delay on the part of the applicant of more than eight months in submitting the copy of the judgement but in view of the fact that he is a Class-IV employee, he will pray that at least a portion of this period may be treated as duty on whatever ground considered appropriate. We feel that since there is no satisfactory explanation for eight months delay in submitting a copy of the judgement, this period cannot be treated as on duty. Similarly, the Railways should have at best taken not more than one month to arrive at a decision since they were aware of the judgement delivered in the criminal court. The remaining period of four months, we feel, in all equity should be treated as duty period for the applicant. Accordingly, we direct that respondents should treat

the period from 19.5.1990 to 14.9.1990 also as period on duty. To this extent the order issued by the Railways on 7.9.90 should be modified. This may be given effect to within a period of two months from the date of receipt of a copy of this order. There will be no order as to costs.


(T.C. Reddy)
Member (J)


(M.Y. Priolkar)
Member (A)

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