

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 419/87
T.A. No.

198

DATE OF DECISION 30.3.92Shri Bhagwan Ramaji PetitionerShri B.K.Gupta Advocate for the Petitioner(s)

Versus

The General Manager, CR Respondent
Bombay, V.Y.Shri J.G.Sawant Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. JUSTICE U.C.SHRIVASTAVA, VICE-CHAIRMAN

The Hon'ble Mr. M.Y.PRIOLKAR, MEMBER (A)

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? *✓*

MGIPRRND-12 CAT/86-3-12-86-15,000

U.C. SHRIVASTAVA

Vice-Chairman

TRK/-

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO.419/87

Shri Bhagwan Ramaji,
aged 53 yrs. working as peon,
Residing at Godwani colony, Near Ganesh
Mandir House No.G-686-A, Post M_{an}mad,
Dist.Nasik

...Applicant

V/s

1.The General Manager,
Central Railway Bombay. V.T.

2.The Divisional Railway Manager,
Central Railway, Bhusawal.

...Respondents

CORAM : HON'BLE JUSTICE MR. U.C.SHRIVASTAVA, ~~VICE-CHAIRMAN~~ CHAIRMAN

HON'BLE MEMBER SHRI M.Y.PRIOLKAR, MEMBER (A)

Appearance :

Shri B.K.Gupta, Adv.
for the applicant

Mr.J.G.Sawant, Adv.,
for the respondents

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ORAL JUDGMENT: DATED: 30.3.92
(PER: U C SRIVASTAVA, Vice Chairman)

Mr. B K Guha, Advocate for the applicant.

Mr. J G Sawant, Advocate for the respondents.

Through this application the applicant has prayed for payment of wages for the intervening period during which he was kept waiting for being posted i.e., June 1984 to March 1986. According to the applicant he was working as Watchman and he was medically declared fit on 18.6.1984 for a job other than watchmen under para 573 of Indian Railway Manual and the job was given to him at later stage. He is claiming the wages for the intermittent period when he was kept waiting for an alternate job. According to the applicant he was wrongly declassified. Whatever may be position the applicant was declared medically unfit for one job and that is why another job was given. In accordance with the rules the respondents have treated the intervening period as period on extraordinary leave, and thereafter he was absorbed as Peon in March 1986.

As the period has been treated as Extra Ordinary Leave the applicant cannot claim wages for the period he has not worked. It may be that no vacancy was available and that is why he could not be absorbed earlier, as such the applicant is not entitled to claim wages as there is no break in service. The application is accordingly dismissed with no order as to costs.

(M Y PRIOLKAR)
MEMBER (A)

(U C SRIVASTAVA)
VICE CHAIRMAN