

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No.472/86

B.S.Rere,  
M.S.R.B. I - 1003,  
Room No.38,  
Waldhuni, Kalyan,  
Dist-Thane

.. Applicant

Vs

The Divisional Railway Manager,  
Central Railway,  
Bombay

.. Respondent.

Original Application No.483/86

A.D.Salunke,  
Bhoiwada Shivsadan,  
Chawl, Room No.3,  
Ali No.49, Kalyan,  
Dist-Thane.

.. Applicant

Vs

The Divisional Railway Manager,  
Central Railway,  
Bombay.

.. Respondent.

Appearances:

Mr. M. Nerlekar for  
the applicants and  
Mr. R. R. Shetty for  
the respondents.

(Inserted vide Tribunal's  
order dt. 27/8/87 in  
M.P. No. 302/87)

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil.

Hon'ble Member(A) Shri.L.H.A.Rego.

JUDGEMENT

Dated: 14.8.1987

(Per Shri B.C.Gadgil, Hon'ble Vice-Chairman)

These two matters can be conveniently decided by a common judgment. Both the applicants were Khalasis in the Central Railway. Their services were terminated on 1.12.1984. Applicant in Application No.472/86 filed Writ Petition No.279/85 in the High Court of Bombay, challenging the termination of his service. Applicant in O.A.No.483 filed a similar Writ Petition bearing No.278/85 in the High Court of Bombay. Both the writ petitions were allowed by the High Court on 23.1.1985. In substance, the High Court quashed the order terminating the service of the applicants and it was directed that a regular inquiry be

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held as regards the allegation that they obtained employment on false representation. There are certain other directions, that even without holding such inquiry the Railway Administration will be at liberty to terminate the services for any other lawful reason. However, all these aspects are not relevant. What is important is that the High Court quashed the orders of termination of services of both the applicants.

2. The grievance of both the applicants is that in spite of this order of the High Court, they have not been reinstated in service. They therefore, filed these applications for reinstatement with full back wages.

3. The Respondents have filed a common reply. It was contended that the services were terminated on 5.10.1984 on the ground that the applicants secured employment under false representation. It was also urged that their services have been terminated by following the provision of section 25 F of the Industrial Disputes Act. As far as the High Court's judgment is concerned, it was contended that the applicants have been put back to work as per the High Court's order.

4. During the course of the arguments we were told that both the applicants have been reinstated in service from 21.5.1987 in terms of the High Court's order. Thus the only question that now remains is, as to whether the applicants are entitled to back wages. The order of the High Court is dated 23.1.1985. In view of that order, it was absolutely essential for the Railway Administration to reinstate the applicants immediately. This has not been done. On the contrary, they have been reinstated on 25.5.87

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i.e. after more than two years. In our opinion, the applicants, in view of the order passed by the High Court, would be entitled to full back wages, at least from the date of the High Court order (i.e. 23.1.1985) till they were actually reinstated.

Hence, we pass the following orders:

O R D E R

1. Original Application No.472/86 succeeds.

It is not necessary to pass any order in regard to reinstatement of the applicant as the applicant has already been reinstated on 21.5.1987. The Respondents are however, directed to pay to the applicant <sup>24</sup>in full back wages and other perquisites admissible, from 23.1.1985 to <sup>20.5.1987</sup>~~25.1.1987~~. The Respondents are directed to pay these amounts expeditiously say within a period of 3 months from today. Parties to bear their own costs of this application.

2. Original Application No.483/86 succeeds.

It is not necessary to pass any order in regard to reinstatement of the applicant as the applicant has already been reinstated on 21.5.1987. The Respondents are however, directed to pay to the applicant <sup>24</sup>in full back wages and other perquisites admissible from 23.1.1985 to <sup>20.5.1987</sup>~~25.1.1987~~. The Respondents are directed to pay these amounts expeditiously, say within a period of 3 months from today. Parties to bear their own costs of this application.

3. Original judgement is kept in the record of OA 472/86 and a copy thereof is kept in the record of O.A.483/86.

*B.C. Gadgil*  
(B.C.GADGIL)  
Vice-Chairman

*L.H.A. Rego*  
(L.H.A. REGO)  
Member(A)

14.8.87.