

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.813/2000

Dated this, Thursday, the 19th Day of July, 2001.

Shri Ramesh Kachru Tilore Applicant

(Applicants by Shri A.R.Pitale Adv.)

Versus

UOI & Ors. Respondents

(Respondents by Shri V.S.Masurkar, Adv.)

CORAM:

HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN
HON'BLE SHRI M.P.SINGH, MEMBER (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?
- (3) Library.

NO

B. Dikshit
(Birendra Dikshit)
Vice Chairman

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No. 813/2000

DATE OF DECISION: 19.07.2001

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN
HON'BLE SHRI M.P.SINGH, MEMBER (A)

Shri Ramesh Kachru Tilore,
Working as Peon in Office of
Chief Public Relations Officer,
Mumbai CST;
R/o. Kasara Railway Quarter,
R-B, 1/158, Taluka, Shahapur,
Dist. Thane.

.... Applicant.

(Applicant by Shri A.R.Pitale, Advocate)

vs.

1. Union of India,
Through the Secretary,
Ministry of Railways, Rail Bhawan,
New Delhi,
Copy to be served on the Ministry of Law,
Branch Secretariate at Mumbai.
2. The Chief Public Relations Officer,
Central Railway, Mumbai CSTM.
3. Public Relations Officer,
Central Railway,
CSTM, Mumbai.
4. Chief Personnel Officer (A),
Head Quarter's Office,
Personnel Branch, CST.
Mumbai.

.... Respondents.

(Respondents by Shri V.S. Masurkar, Advocate)

O R D E R (ORAL)

[PER: Justice B.Dikshit, Vice Chairman]:

This O.A. has been filed for following reliefs:

"(a) This Hon'ble Tribunal may be pleased to direct the Respondents to implement the order of promotion dated 23.7.1993 and grant him promotion to the post of Jr. Clerk w.e.f. 23.7.1993.

..2/-

B. Dikshit

(b) This Hon'ble Tribunal may be pleased to direct the Respondents to treat the period of suspension from 23.05.1993 to 15.12.1995 as a duty period with all consequential benefits.

(c) This Hon'ble Tribunal may be pleased to pass such other and further orders as deemed fit in the facts and circumstances of the case.

(d) That the cost of this Application be awarded to the Applicant."

2. So far relief (a) is concerned, the learned Counsel for the Petitioner states that the Petitioner has been promoted and is satisfied and no cause remains. Thus, the relief sought therein has become infructuous.

3. Learned Counsel for the Petitioner argues that the Petitioner has not been granted relief (b) in respect of treating the period of suspension from 23.5.1993 to 15.12.1995 as duty period as well as consequential benefits including back wages from the date of promotion i.e. 23.7.1993.

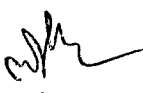
4. So far as treating the period of suspension from 23.5.1993 to 15.12.1995 under relief (b) is concerned, the Petitioner can move the Respondents for said relief. As the respondents have not expressed themselves in respect of suspension period, ^{he} the Petitioner can move Respondents for said relief and in case ^{he} ~~they~~ ^{is} moves ^{is} respondents within a period of one month from today then Respondents can be directed to dispose of the representation. Thus, we are not inclined to go into the question as to whether respondents should treat the period of suspension as a duty period at this stage representation.

5. In respect of argument to grant relief for back wages, the Applicant wants to introduce this relief by an Amendment

B. amit

Application numbered as M.P.613/2001. Before approaching this Tribunal for said relief he could have approached the Respondents. In case he had approached Respondents then Respondents could have examined the claim for back wage. As he has not approached the Respondents in this respect before raising the plea before us, we are not inclined to allow the amendments of M.P. Hence the M.P. is rejected.

6. Before parting with the case we would like to direct respondents that in case the applicant approaches the respondents within a period of one month for treating the period of suspension as duty period and for backwages then the Respondents will dispose of his representation within a period of 2 months from the date of filing of such representation. The applicant while making representation will file a certified copies of this Order. The relief in respect of grant of promotion has become infructuous. Thus, keeping it open for the Applicant to advance his claim by making representation for treating the period of suspension from 23.5.1993 to 15.12.1995 as period of duty and is finally disposed of. No costs.


(M.P.Singh)
Member (A)
sj*


(Birendra Dikshit)
Vice Chairman