

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 117/91
T.A. No. ~~XXXXXX~~

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DATE OF DECISION 28.10.1991Satyaprakash Omprakash Sharma PetitionerShri L.M. Nerlekar Advocate for the Petitioner(s)

Versus

Divisional Manager, C.R., Bombay RespondentShri S.C. Dhavan Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? 7/8
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH,
BOMBAY

ORIGINAL APPLICATION NO. 117/91

Shri Satyaprakash Omprakash Sharma
Khalashi, Kalyan Central Railway,
Kalyan 421301

.... Applicant

V/s

Divisional Railway Manager,
Central Railway, Bombay

.... Respondent

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

MEMBER (A) OF THE TRIBUNAL, BOMBAY

Appearance :

Shri L.M.Nerlekar, Adv
for the applicant

Mr.S.C.Dhavan, for the respondent

ORAL JUDGEMENT

DATE : 28.10.1991

(PER : M.Y.PRIOLKAR, M/A)

The applicant in this case was earlier removed from service on the ground that he had produced forged Casual Labour Card to secure employment in the Railway. After he had filed the application before this Tribunal (OA 794/87), the Tribunal had passed an order to reinstate the applicant in service by judgement dated 17.8.1988 with full wages and continuity of service. According to the applicant, after his reinstatement the office of the Chief Signal Inspector (Maintenance) Kalyan issued non-dated letter relieving the applicant with instruction to report to the Divisional Railway Manager, (P), Bombay for further posting on 14.2.1991.

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2. The grievance of the applicant is that, the office of Divisional Railway Manager refused to issue posting order on the ground that the original Casual Labour Card was not produced by the applicant. The applicant states that he had informed the office that the said Card was deposited with the office of Chief Signal Inspector, Kalyan on 27.1.1986 before his services were terminated. The learned counsel for the respondents, however stated that this card had been handed back to the applicant.

3. The prayer of the applicant in this case is for direction to the respondents to issue posting order to the applicant who is without work and also for payment of wages for the period from 14.2.1991 till the date his fresh posting orders are issued.

4. The learned counsel for the respondents further stated that in view of the long absence of the applicant who had not reported back to Kalyan office, after refusal of Divisional Railway Manager to give him a posting order, disciplinary action has been initiated against the applicant and a chargesheet has been served on applicant.

5. The application is, therefore admitted and after hearing counsel, for both sides and with their consent, the application is disposed of finally giving a directions to the respondents to permit the applicant to report ^{now} ~~at~~ to his

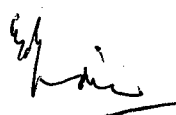
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original place of duty viz. Kalyan office, where he should report within one week from today. The respondent may proceed with the departmental action already initiated and the question of back wages can be decided by them depending on the final outcome of the departmental proceedings, in accordance with law. With these directions, this application is disposed of finally with no order as to costs. Needless to say in case the applicant is still agrieved with the final decision of the department, he will ^{be} at liberty to approach the Tribunal afresh, if he is so advised, in accordance with law.


(M.Y. PRIOLKAR)
MEMBER (A)