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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 746/92

Transfer Application No:

DATE OF DECISION: 21.2.95

Kashinath Premchand Mahajan Petitioner

Shri L.M. Nerlekar Advocate for the Petitioner

Versus

Union of India and others Respondent


Shri J.G. Sawant Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri P.P. Srivastava, Member (A)

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


(P.P. Srivastava)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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Original Application No.746/92

Kashinath Premchand Mahajan

...Applicant

V/s.

Union of India through
General Manager
Central Railway.
Bombay

The Divisional Railway Manager
Central Railway
Bhusawal

...Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri P.P. Srivastava, Member (A)

Appearance:

Shri L.M. Nerlekar, counsel
for the applicant.

Shri J.G. Sawant, counsel
for the respondents.

ORAL JUDGEMENT

DATED: 21.2.95

¶ Per Shri P.P. Srivastava, Member (A) ¶

The applicant was issued major penalty charge sheet and was punished after conducting the inquiry with the punishment of dismissal from service. In appeal the penalty was reduced to removal from service. The applicant submitted a revision petition to the Railway Board. The Railway Board on consideration reduced the penalty from removal to stoppage of increments for three years without cumulative effect. The Railway Board tentatively considered that the period from the dismissal to reinstatement be treated as period not spent on duty and the applicant will be paid suspension allowance for that period. The Railway Board in their order dated 7.12.89 also stated that the applicant can make a representation regarding the period to be treated as suspension. The applicant has mentioned that he did not get the

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full text of letter dated 7.12.89. However, on the basis of communication given by the Railway Administration at local level, he made a representation to the Railway Board dated 5.1.90 which was replied by the Railway Administration vide their letter dated 9.8.90 (Annexure 'A') The applicant has brought out that this order does not cover the points which he had raised in his application. He has also mentioned that since the Railway Board's full order was not available he was handicapped in giving his representation against the treatment of period of suspension to be treated as period spent on duty. The learned counsel for the applicant has brought out that the applicant has been imposed minor penalty after initiation of major penalty and according to the DOP circular dated 3.12.85 the period of suspension is to be treated as period spent on duty. The learned counsel for the applicant has also mentioned that although the DOP circular is specially applicable for the employees who were under suspension and issued chargesheet for major penalty and later on the punishment converted to minor penalty, the suspension of such employees be treated as on duty. This point has not been taken into consideration by the Railway Administration while deciding the case of the applicant.

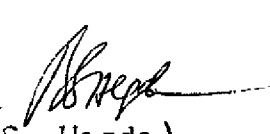
2. We have considered the matter. We direct that if the applicant submits an application, bringing out all the points which he wants to raise for the purpose of treating the period of suspension

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as period spent on duty, within a period of one month from the date of order, the respondents would dispose of the representation within a period of four months after the receipt of the representation by passing a speaking order. O.A. is disposed of with the above directions. There will be no order as to costs.



(P.P. Srivastava)
Member (A)



(B.S. Hegde)
Member (J)

NS