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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY.

CAMP AT NAGPUR

Original Application No.850/92.

Shri V.M.Mandade.

..... Applicant.

V/s.

Union of India & Ors.

..... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Shri M.Y.Priolkar, Member (A).

Appearances:-

Applicant by Shri Purohit.

Respondents by Shri P.S.Lambat.

Oral Judgment:-

[Per Shri M.S.Deshpande, Vice-Chairman] Dated: 22.3.1993.

Heard Shri Purohit for the applicant and
Shri P.S.Lambat for the Respondents.

The only grievance is that the period from 25.9.1985 when the applicant was removed to 9.10.1990 when he was reinstated on a lower pay scale could ^{not} have been treated as dies non, because that was not the punishment contemplated by the Rules. It ^{is} ~~was~~ however, apparent to us that as per Rule 186 of the Railway Servants (Discipline & Appeal Rules, 1968 such an order could have been passed by the Appellate Authority because that Rule says that the authority could pass an order determining whether or not the period from the date of suspension or from the date of his dismissal or compulsory retirement to the date of his reinstatement shall be treated as period spent on duty for any purpose. ^{Since} That dies non would mean that the period was not spent on duty, it does not deprive the applicant ^{of} the benefit of the previous service and the service which would be rendered after reinstatement. The authority was vested with the power to pass the

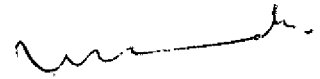
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impugned order. We see no merit in the application,
it is dismissed. No order as to costs.



(M.Y. PRIOLKAR)
MEMBER(A)



(N.S. DESHPANDE)
VICE-CHAIRMAN

B.