

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 204/1994

TUESDAY, THE 31ST DAY OF JULY, 2001

CORAM: SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)
SMT. SHANTA SHAstry. MEMBER (A)

K. Kashinath,
Tool Checker, working in the
O/o the Chief Electrical Engineer,
Central Railway,
Bombay V.T. residing at
Rly. Qt. No.RBI/194/11,
Bavaan Chawl, Thakurli,
P.O. Dombivli. .. Applicant

By Advocate Shri D.V. Gangal.

Vs.

1. The Union of India through
The General Manager,
Central Railway,
Bombay V.T.
2. The Chief Electrical Engineer,
Central Railway,
Bombay V.T. .. Respondents

By Advocate Shri S.C. Dhawal.

O R D E R (ORAL)

Smt. Lakshmi Swaminathan. Vice Chairman (J)

In this application, the applicant is aggrieved that in pursuance of the Appellate Authority's order dated 25.2.93, the respondents have not taken further action with regard to his pay fixation ^{and} arrears from 31.1.80 till 25.2.93, the arrears of pay and refixation of his pay from 1.1.1986 as per the 4th Pay Commission

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and other consequential benefits, including promotions as Senior Clerk and Head Clerk. He has also prayed for return of house hold articles and ornaments valued at Rs. 50000/- and further for cost with interest of this application.

2. We note that this is the second round of litigation as the applicant had filed earlier OA 531/87. That OA was disposed of by order dated 13.2.92 in which it was held that the Appellate Authority's order was a non-speaking order. Accordingly, the Appellate Authority was directed to reconsider the appeal of the applicant after giving him a personal hearing and taking into consideration the pleas taken by him. In the present application, the applicant has claimed the aforesaid benefits for which he has also relied on the judgment of the Court of Judicial Magistrate SC III Court at Kalyan dated 31.7.1982 acquitting him.

3. We note that the Tribunal had issued notice to the respondents to file reply and a number of opportunities had been granted to them to do so. However, they have not availed of these opportunities and no reply is on record.

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4. This OA has been filed as far as back on 1.2.94 but it is, not known what further action has been taken, if any, by the respondents in pursuance of the appellate authority's order dated 25.2.93. By this order the applicant was exonerated in the Departmental proceedings held against him, in which the disciplinary authority had imposed the penalty of with-holding of increments vide order dated 19.12.90.

5. Shri S.C. Dhawan Learned counsel for the respondents was also unable to throw light on this case, as he submits that he has not been furnished with the records from the Department to enable him to assist us in this matter. The learned counsel for the applicant also appears to be in the same position. So it is not clear to us whether the reliefs prayed for by the applicant in the present application have finally been granted to him by the respondents or not.

6. In the above facts and circumstances of the case, we have no other alternative but to dispose of this application with the following direction:-

The respondents are directed to consider the claims prayed for by the applicant in this application, if not already done, by taking into

consideration the appellate authority's order dated 25.2.93 and pass appropriate orders, in particular with regard to the arrears of pay from the due date, refixation of his pay in accordance with the revision of pay following the Fourth Pay Commission Report and Fifth Pay Commission Report, if applicable, in accordance with the relevant provisions of law, rules and instructions. Necessary action in this regard shall be taken within four months from the date of receipt of a copy of this order with intimation to the applicant.

No order as to costs.

Shanta S

(SMT. SHANTA SHAstry)
MEMBER (A)

Lakshmi S

(SMT. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN (J)

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