

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.178/94.

Wednesday, this the 23rd day of June, 1999.

Coram: Hon'ble Shri Justice K.M.Agarwal, Chairman
Hector Paul Salins, Hon'ble Shri R.K.Ahooja, Member(A).
Rly. Qr. No.RB-II, G-9,
Tadiwalla Road,
Pune-411 001. ...Applicant.

Vs.

1. The General Manager,
Central Railway,
Bombay V.T.
2. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi - 110 011.
3. The Divisional Railway Manager,
Operating,
Central Railway,
Bombay V.T. - 400 001.
4. The Area Manager,
Central Railway,
Pune - 411 001. ...Respondents.

(By Advocate Shri S.C.Dhawan)

: O R D E R : (ORAL)

(Per Shri Justice K.M.Agarwal, Chairman)

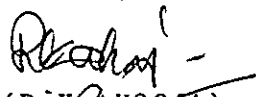
The applicant who was working as Motorman at Pune seeks the only relief that the respondents may be directed to allow him to attend to his official duties and further direction that his leave application dt. 2.2.1994 may be treated as cancelled.

2. The facts of the case briefly are that the applicant ~~who~~ was not put on duty on 2.2.1994 as Driver on running train since he had not returned the performance card and uniform card duly filled in up to 1.2.94 because the duties for 2.2.94 were already detailed and prepared before 16.00 hrs. on 1.2.1994. In this OA, the applicant is seeking that he has been kept under suspension. By an interim direction dt. 15.2.94 the Tribunal asked the respondents to proceed against the applicant as per rules

Jan
...2.

until then he should be allowed to join his duties forthwith. In compliance of that interim order, the applicant was allowed to discharge his duties from 17.2.94. The applicant states that under pressure the respondents obtained from him a leave application for the period 2.2.94 to 17.2.94. Having heard the learned counsel for the respondents and going through the records we find no merit in this application. The applicant was never placed under suspension, but he was only not put on active duty. In other words, there was no order of suspension nor he was paid salary for the period. In any case, by the order of this Tribunal, he was put back again on active duty from 17.6.94. Hence, the first prayer for putting him back on duty is rendered infructuous. The applicant admits that he gave an application for leave for the period 2.2.94 to 17.2.94 and also states that the same was obtained under pressure. We find nothing on record to show that the applicant was ever pressurised. In any case, this is not a matter in which the Tribunal will go into. The application for leave was given by the applicant himself and it was also sanctioned by the Respondents.

3. In the light of the above discussion, the OA is dismissed. No costs.


(R.K. AHOOJA)
MEMBER (A)


(K.M. AGARWAL)
CHAIRMAN

B.