

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: **978/94**

Date of Decision: **25.6.1999**

Sh.B.M.More

Applicant.

Sh.Ramesh Ramamurthy

Advocate for
Applicant.

Versus

U.O.I. & ors.

Respondent(s)

Sh.V.S. Masurkar

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice K.M.Agarwal, Chairman

Hon'ble Shri. R.K.Ahooja, Member(A)

- (1) To be referred to the Reporter or not? **Yes**
- (2) Whether it needs to be circulated to other Benches of the Tribunal? **NO**

R.K.Ahooja
Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
MUMBAI.

O.A. No.978/94

THIS THE 25TH DAY OF JUNE, 1999.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR.R.K.AHOOJA, MEMBER(A)

Shri B.M.More,
employed as Head Travelling
Ticket Examiner
in Central Railway at
Bhusawal and
residing at Chalisgaon
Sindhi Colony, Plot No.120
Near Railway(Chalisgaon)
Station, Dist.Jalgaon
PIN 424 101

.... Applicant

(BY ADVOCATE SHRI RAMESH RAMAMURTHY)

vs.

1. Union of India
through the General Manager,
Central Railway
Bombay V.T.
Bombay 400 001
2. The Divisional Railway Manager
(C)/(T)
Central Railway
Bhusawal
3. The Senior Divisional Commercial
Superintendent,
Central Railway
Divisional Railway Manager
Office, Bhusawal ... Respondents

(BY ADVOCATE SHRI V.S.MASURKAR)

ORDER

R.K.AHOOJA, MEMBER(A) :-

The applicant while working as Travelling Ticket Examiner was chargesheeted on 19.4.1985 and after the inquiry, he was awarded the punishment of removal from service with immediate effect by order dated 21.7.1986. The appeal and the revision also came to be rejected. Thereafter the applicant approached this Tribunal by way of O.A. No.670/1987 which was allowed by an order dated 8.9.1988. The Tribunal after setting aside the order of the appellate authority directed that the said authority shall dispose of the appeal preferred by the applicant after affording him personal hearing and

by passing a reasoned and speaking order within a specified period. Thereafter the applicant was personally heard by the appellate authority and the penalty imposed on him was modified by the appellate order dated 11.1.1989 to reversion to the lowest post/grade in the lowest time scale in the initial grade of Rs.950-1500 (RPS) for a period of 5 years with cumulative effect. Further revision petition dated 26.2.1990 resulted in further modification in the following terms:

"He is reverted as Ticket Collector in grade Rs.950-1500 (RPS) for a period of 4 (four) years, without cumulative effect. His pay in grade Rs.950-1500 (RPS) should be fixed at Rs.1200/-"

Thereafter by order dated 20.7.1990, he was restored to grade of Rs.1200-2040 (RPS) as Travelling Ticket Examiner and posted at Bhusawal.

2. The applicant states that a selection was held for the post of Head Travelling Ticket Examiner in the grade of Rs.1400-2300 and many of his juniors were given promotion to the grade of Rs.1400-2300 and even to the further higher grades of Rs.1600-2660/- and Rs.2000-3200/- by order dated 15.1.1994. The applicant submits that the orders dated 11.1.1989 and 20.4.1990 of the appellate and the revisional authorities are bad in law and should be set aside and thereafter he should be promoted to the higher grade on the basis that the said penalties never existed.

3. We have heard the learned counsel. The penalty orders dated 11.1.1989 and 20.4.1990 cannot now be agitated in 1994. The applicant can also not in the garbe of attacking orders of superseding him find a fresh

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cause for impounding the penalty orders. Mr.Ramamurthy, the learned counsel for the applicant also fairly conceded and did not press the issue as regards the quashing of the penalty orders. He, however, further submitted that the penalty order dated 20.4.1990 was to take effect from the date the original order was passed by the disciplinary authority in 1986. Therefore, the applicant was entitled to the payment of his salary even in the grade of Rs.950-1500/- from 1986 and restoration of his pay to the grade of Rs.1200-2040 from 1990 after expiry of 4 years.

4. We find on perusal of the reliefs sought for by the applicant as per paragraph 8 of the O.A. that there is no prayer relating to non-payment of his salary from 1986 to 1990. In regard to restoration of the pay scale of the applicant to the grade of Rs.1200-2040, the learned counsel for the respondents produced extracts from the Service Book of the applicant to show that the applicant was restored to the pay scale of Rs.1200-2040 with effect from 24.7.1990 i.e. on the expiry of the 4 years of the order of the disciplinary authority in 1986. He was also granted increments notionally from 1986 onwards. Therefore, this part of the reliefs pressed by the learned counsel for the applicant has already been granted by the respondents.

5. We find no other reliefs sought for by the applicant which need consideration. Accordingly this O.A. is dismissed. No costs.

K.M.
(K.M.AGARWAL)
Chairman

R.K.A.
(R.K.AHOOJA)
Member(A)