

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

CAMP AT NAGPUR.

ORIGINAL APPLICATION NO.1429/95.

DATED THE 6TH DAY OF AUGUST, 1996.

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

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

Shri Umrao Tulsiram Malviya,
Bhandak, C.Rly, Dist.Chandrapur.

... Applicant

By Advocate Shri S.V.Gole for
Shri M.W.Harsulkar.

v/s.

1. Union of India,
Through General Manager,
Central Railway,
Bombay - V.T.

2. Divisional Railway Manager,
Central Railway,
Nagpur - 440 001.

ORDER ORAL

(Per Shri B.S.Hegde, Member (J))

In this case, the counsel for applicant draws our attention to the earlier order passed by the Tribunal in OA-739/89 by which the Tribunal had directed the A.D.R.M. or the relevant competent authority shall decide whether the applicant should be granted his pay and allowances for the aforesaid period after giving notice to the applicant and hearing him, by a speaking order within two months from the date of receipt of the order.

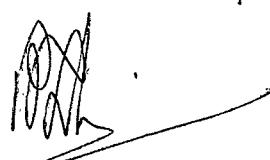
Persuant to the direction of the Tribunal, the respondents vide their letter dated 20/3/95 passed a speaking order and have come to the conclusion ~~and~~ they have modified the Compulsory Retirement and reinstated the applicant with reduced pay for a period of one year.

...2/-

His period of remaining away from service i.e. from the date of order making him compulsorily retire² (16.8.84 to 1.5.88) till resumption of duty was debited to leave due and to leave without pay if no leave is due.

In this OA, the applicant has claimed the same as relief and the matter has already been decided by the Tribunal, the OA is without merit.

In the circumstances, we dismiss the OA as without merit and the same is dismissed.


(P.P. SRIVASTAVA)
MEMBER (A)


(B. S. HEGDE)
MEMBER (J).

abp.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. NO.: (N) 10/96 IN O.A. NO. 1429/95.

Dated this 11, the day of November, 1996.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

Umrao Tulsiram Malviya ... Applicant

VERSUS

Union Of India & Others ... Respondents.

Tribunal's order by circulation :

PER.: SHRI B. S. HEGDE, MEMBER (J)

The applicant has filed this application seeking review of the judgement dated 06.08.1996.

2. The question for consideration is whether the applicant was entitled for backwages and accordingly, direction was given to the respondents to decide whether the applicant should be granted his pay and allowances for the aforesaid period after giving notice to the applicant and hearing him, by passing a speaking order within two months from the date of receipt of the order. As per the directions, the respondents vide their letter dated 20.03.1995 passed a speaking order and have come to the conclusion and they have modified the Compulsory Retirement and reinstated the applicant with reduced pay for a period of one year and

for the period (16.08.1984 to 01.05.1988) till resumption of duty was debited to leave due and to leave without pay if no leave is due. In the O.A. the applicant has claim the same relief and as the matter has already been decided by the Tribunal, the O.A. was dismissed without merit.

3. In the Review Petition, the applicant has raised the very same issue and also stated that dismissal of the O.A. at the admission stage was not warranted. There is no legal hurdle in disposing of the O.A. at the admission stage after hearing both the parties. Since the matter has been disposed of after hearing both the parties, we do not feel any error has crept in, in the judgement. Accordingly, the review petition filed by the applicant is not based on merit and the same is dismissed.


(P.P. SRIVASTAVA)
MEMBER (A).


(B. S. HEGDE)
MEMBER (J).