

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A.NO.836 of 1991.

Between

Dated: 15.2.1995.

P.V.Reddy

...

Applicant

And

1. Divisional Railway Manager, (DRM), South Eastern Railway Waltair, Visakhapatnam.
2. Sr. Divisional Mechanical Engineer (Diesel), South Eastern Railway, Waltair, Visakhapatnam.

...

Respondents

Counsel for the Applicant : Sri. P.Krishna Reddy

Counsel for the Respondents : Sri. N.R.Davaraj, SC for Rlys

CORAM:

Hon'ble Mr. A.V.Haridasan, Judicial Member

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

OA.836/91

date of decision : 15-2-95

ORDER

(As per Hon. Sri A.V. Haridasan, Member(Judl.))

In this application, filed under section 19 of the Administrative Tribunals Act, the prayer of the applicant is that the respondents may be directed to pay him pay and allowances due under the rules from 27-3-91 till date. In the application it has been alleged that the applicant could not perform the duties of the post on which he was posted on account of ill-health though he was physically present on the spot and that the respondents should have assigned him duties which the condition of his health permitted. It is on this ground that the applicant has assailed the action of the respondents in not paying him pay and allowances.

2. The applicant was charge-sheeted for unauthorised absence / non-performance of duties and certain other mis-conduct and was awarded a penalty of removal from service which was modified by the appellate authority as one of compulsory retirement. One of the charges in those proceedings related to his non-performance of the duties for the period for which applicant has claimed pay and allowances in this application. The order of the appellate authority modifying the penalty of removal to compulsory retirement was challenged by the applicant in OA.942/93. This application has been dismissed by this Bench on 24-01-1995. Under these circumstances, it is obvious that the applicant did not perform the duties of

the post during the period for which he has claimed wages in this application. It is evident from the facts that the applicant has been compulsorily retired giving him the pensionary benefits.

3. Since the applicant has admitted in the disciplinary proceedings initiated against him that he refused to perform the duties of the post, we are of the considered view that the applicant is not entitled to get a direction to the respondents to pay him pay and allowances for the period during which he had not performed the duties.

4. In the result, the application fails and the same is dismissed leaving the parties to bear their own costs.

Ambarish

(A.B. Gorthi)
Member (Admn)

Haridasan

(A.V. Haridasan)
Member (Judl)

Dated : February 15, 95
Dictated in Open Court

Ananya
835
Dy. Registrar (Judl.)

spr
sk

Copy to:-

1. Divisional Railway Manager, (DRM), South Eastern Railway, Waltair, Visakhapatnam.
2. Sr. Divisional ~~Mechanical~~ Mechanical Engineer (Diesel)
South Eastern Railway, Waltair, Visakhapatnam
3. One copy to Sri. P.Krishna Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr, CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

DA-836/91
TYPED BY
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COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(1)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(2)

DATED :

15/2/95

ORDER/JUDGEMENT.

M.A/R.P/C.P.No.

D.A.NO.

IN
836/91

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

NO SP are copy

YLKR

CJ
Settled the
Cause with
Smt

Corrected

