

C.P.No.41/97 in O.A.No.814/93.

Date: 6--6--1997.

Between:

Siraj Ahmed.

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Applicant.

and

1. Dr. T.R.K. Rao, Senior Divisional Commercial Manager, South Central Railway, Sanchalan Bhavan, Secunderabad (BG) Division, Secunderabad 500 371.
2. T.M.Rao, General Manager, South Central Railway, Rail Nilayam, Secunderabad 500 371.

## Respondents.

Counsel for the applicant: Sri G.V.Subba Rao.

Counsel for the respondents: Mr. D.F.Paul.

CORAM:

HON'BLE SRI RANGARAJAN, MEMBER (A)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (J)

**JUDGMENT.**

(as per Hon'ble Sri R.Rangarajan, Member(A)).

Heard Sri G.V.Subba Rao for the applicant and Mr. D.F.Paul  
for the respondents.

The O.A., was disposed of on 14--10--1996 giving directions in para 14 of the judgment which are as under:

- (i) The<sup>1</sup>applicant, Shri Siraj<sup>2</sup> Ahmed, formerly Enquiry-cum-Reservation Clerk, Hyderabad shall be reinstated in service within 30 (thirty) days of the receipt, by Respondent No.2, of a copy of these orders.
- (ii) The said Shri Siraj Ahmed shall not, however, be entitled to any back wages for the period from 14--9--1986 till the date of his reinstatement.

iii) The competent authority shall be free to take a suitable decision, based on facts and on merits, as to whether or not the said period of absence shall count for (i) seniority, (ii) promotions, if any, (iii) increments, and (iv) pensionary benefits. Any decision in this regard shall be taken and communicated to the applicant through a detailed reasoned/speaking order as per rules. The parties shall bear their own costs.8 "

In pursuance of that direction the applicant was reinstated <sup>to</sup> in service as ECRC (Enquiry-cum-reservation Clerk). The period from 14--2--1986 till the date of reinstatement was treated as "Dies Non". Promotional benefits were not extended and break in service was given to him.

The learned counsel for the applicant submits that the reasons for denying him seniority, promotion, increments and pensionary benefits should have been cogently given in a detailed speaking order by the respondents in accordance with sub-cl.(iii) of para 14 of the Judgment.

The order of the respondents indicates that the period from 14--9--1986 till reinstatement is treated as "DIES NON". That itself is some sort of order for denying the benefits to the applicant. We are of

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the opinion that the order of this Tribunal has substantially been complied with by the respondents. Hence the respondent cannot be held accountable for contempt of court for non-implementation of the orders of this Tribunal. However, the applicant is at liberty to challenge the order of the Senior Divisional Commercial Manager, S.C. Railway, Secunderabad (Order No. CON/SC/Misc/110/89 dated 7--11--1996) dated 7--11--1986 if he is aggrieved by that order and if he is so advised, to challenge the same. If such a challenge is made his case will be considered in accordance with law.

In view of the above, the C.P., is closed. However, this will not preclude the applicant in filing a representation also to the Competent Authority for redressal of his grievance.

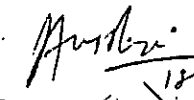
  
B.S. JAI PARAMESHWAR  
MEMBER (J)

  
R. RANGARAJAN  
MEMBER (A)

Date: 6--6--1997.

Dictated in open Court.

SSS.

  
D.R. (J)