

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

R.A. No. : 08/1999

in

C.P. No. : 02/1999

in

O.A. No. : 200/1995

Date of Order : 16-7-99.

Kesar Singh @ Bhagat Singh S/o Shri Darolia Koli, Hammerman, Ticket No. 53650/30 carriage and wagon workshop, Western Railway, Ajmer and R/o 926/30 Gurjar Ki Dharti Nagra, Ajmer.

..Applicant.

Versus

1. Shri Kirti Vasan, General Manager, Western Railway, Churchgate, Mumbai.
2. Shri Anil Handa, Dy. Chief Mechanical Engineer (carriage & wagon) workshop, Western Railway, Ajmer.

..Respondents.

PER HON'BLE MR. GOPAL SINGH:

This Review Application under section 22(f) of the Administrative Tribunals Act, 1985, has been filed to review the order dated 18.5.1999 in C.P. No. 02/1999 in O.A. No. 200/1995.

2. While disposing of O.A. No. 200/1995 vide its order dated 09.1.1996, this Tribunal had observed as under :-

"4. We have heard the learned counsel for the parties and have perused the records. The order at Ann. A1 was passed by respondent No. 2 on the ground of the conduct which led to the applicant's conviction by a Court of Law. By virtue of orders Ann.A2 dated 7.2.1989 and Ann.A4 dated 9.9.1994 which are the judgements/orders of the High Court, the applicant stands acquitted of all the offences with which he was charged and on the basis of which he was convicted and sentenced. Since the sole ground on which the departmental penalty of dismissal was imposed on the applicant was the conduct which led the applicant's

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conviction by Court of Law, no basis now remain for imposition of penalty of dismissal on the applicant. In these circumstances, the penalty imposed on the applicant is quashed with necessary consequential benefits. The respondents shall also pass necessary order under F.R.54B or the equivalent rule applicable to railway servants regulating the period of suspension of the applicant, within 3 months from the date of this order."

3. The applicant filed C.P. No. 02/1999 in O.A. No. 200/1995 for non compliance of the Tribunal's order dated 09.1.1996 and while dismissing this Contempt Petition vide its order dated 18.5.1999, this Tribunal had observed as under :

"3. The relevant portion of the order passed in the OA referred to above, reads as follows:

"In the circumstances, the penalty imposed on the applicant is quashed with necessary consequential benefits. The respondents shall also pass necessary order under F.R.54B or the equivalent rule applicable to railway servants regulating the period of suspension of the applicant, within 3 months from the date of this order."

In compliance with the orders of the Tribunal, the petitioner was reinstated in service on the post of Hammerman vide an order dated 8.7.1996. Orders regarding grant of necessary consequential benefits arising out of the quashing of the penalty have also been passed by the respondents on 15.11.96 vide Ann.A6. The petitioner has been granted proforma promotion in the grade of Hammerman and, thereafter, he earned promotion as Blacksmith Grade III, Blacksmith Grade-II. He has also been trade tested for the post of Blacksmith Grade-I. An order in terms of Rule 2044-B of the Railway Establishment Code, the provisions of which are analogous to the provisions contained in FR 54B, has also been issued in respect of the period of suspension from 15.12.81 to 21.9.82 and also in respect of the period from 26.11.84 i.e. the date of dismissal from service to 15.7.1996 i.e. the date of reinstatement. It is borne out by the reply that the directions of the Tribunal have been completely complied with."

4. It is the contention of the petitioner that the respondents have not regularised the period in question as required under rule 54B as directed by the Tribunal.

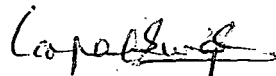
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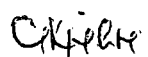
5. It would be seen from the above that the Tribunal in its order dated 09.1.1996 had ordered that the respondents shall also pass necessary orders under FR 54B or the equivalent rule applicable to Railway Servants regulating the period of suspension of the applicant within 3 months from the date of this order. In reply to the Contempt Petition No. 02/1999, it has been categorically stated by the respondents vide para 5 of their reply that the order dated 15.11.1996 is in accordance with the provisions of rule 2044B of the Railway Establishment Code. If the applicant has any grievance against the respondents letter dated 15.11.1996, he can seek redressal of his grievance from the departmental authorities and if he still feels aggrieved, he can approach this Tribunal afresh, if so advised.

6. In the light of above discussions, we do not find that there has been any non compliance of the Tribunal's order dated 09.1.1996. Thus, we are of the view that there is no error apparent on the face of records. The Review Application is accordingly dismissed.

7. By circulation.

  
(GOPAL SINGH)

MEMBER (A)

  
(GOPAL KRISHNA)  
VICE CHAIRMAN