

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

OA No. 145/96

Date of order: 11-9-1996

Hari Narain B.

.. Applicant

Versus

Union of India and Others

.. Respondents

Mr. K.C.Sharma, counsel for the applicant

Mr. U.D.Sharma, counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. O.P.Sharma, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant Hari Narain B. has filed this application under Section 19 of the Administrative Tribunals Act, 1985, assailing his being put off duty.

2. We have heard the learned counsel for the parties and have carefully perused the records.
3. The contention of the applicant is that while serving as a Shunting Master at the Jaipur Railway Station, Jaipur, he went off duty at 2.00 A.M. on 17-7-95 after handing over charge to his reliever Shri Babuddin at 2-15 Hrs. on that date. On the same date he was informed that he has been put off duty. He asked for a written order in this behalf but it was not given to enable him to approach the higher authorities. The applicant was not allowed to perform his duties in the post of Shunting Master arbitrarily since 17-7-95 and till date he has not been served with any chargesheet.
4. On the contrary, the respondents have stated that the applicant is a permanent Points Jamadar working

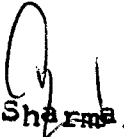
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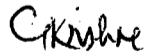
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at the Railway Station, Jaipur and he has not been coming to duty from 17-7-95 till date and as such the question of putting him off duty does not arise. Since he has remained absent from 17-7-95, the question of paying him any wages does not arise. It is also stated that the respondents are ready and willing to take the applicant on duty if he reports for duty. The learned counsel for the respondents has stated that if the applicant reports for duty tomorrow i.e. 12-09-1996 to the Station Superintendent (respondent No.3), he shall be taken on duty and in regard to payment of wages and grant of leave etc. for the intervening period, during which the applicant had remained absent from duty, the concerned authority shall pass an appropriate order as per rules.

5. In the circumstances, we direct respondent No.3 to take the applicant on duty tomorrow i.e. 12-09-1996, if the applicant reports to him for duty. The respondents shall pass appropriate orders in regard to grant of leave, payment of back wages etc. in accordance with the rules within a period of 2 months from the date of receipt of a copy of this order.

6. This OA stands disposed of accordingly with no order as to costs at the stage of admission.


(O.P. Sharma)
Administrative Member


(Gopal Krishna)
Vice Chairman