

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, (13)

J A I P U R.

O.A. No. 752/92

Date of decision: 17.7.94

GOVIND BHAI

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. S.K. Jain

: Counsel for the applicant.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

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

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER:

Shri Govind Bhai, in this application U/S 19 of the Administrative Tribunals Act, 1985, has prayed that the respondents may be directed to allow ~~the~~ promotions to the applicant to the post of Electrical Mistry with effect from 1960; on the post of Electrical Chargeman from 1962 and to the grades of Rs. 550-750, Rs. 700-900 and Rs. 840-1040 from the dates from which he was entitled, had he not been removed from service on account of illegal charge-sheet and departmental proceedings etc., with all consequential benefits. He has also prayed that order, Annexure A-2 dated 10.10.87 may be quashed and the respondents may be directed to determine his seniority as Electrical Supervisor on the basis of his being considered as promoted to the said post w.e.f. 1962.

2. We have heard the learned counsel for the parties and have gone through the records.

3. The applicant joined service in the Railways in 1953. He got promotions from time to time, but was removed from service in the year 1967 after inquiry was held against him, when he was in the scale of Rs. 260-400. Thereafter, he was eventually reinstated in service in June, 1980, after he was exonerated of all the charges. In fact, prayer of the applicant is that the penalty which was imposed on him in 1967 and which was eventually deleted in 1980 should

19

have no effect on his career prospects and that he should be granted all the promotions etc. to which he was eligible from time to time.

4. The learned counsel for the respondents stated that on reinstatement, the applicant was granted a higher scale of pay than the one enjoyed by him at the time of removal from service, with effect from 1972. In 1976, a still higher scale of pay was granted to him. It is not as if when he was reinstated in service he was started from the same scale of pay on which he was removed from service. He has pleaded that the claims of the applicant at this stage are time-barred and cannot be entertained.

5. The fact, however, remains that the applicant was reinstated in service in 1980 after being found 'not guilty' of the charges framed against him. During the period from 1967 to 1980, he remained out of service. Mr. Manish Bhandari submits that taking into consideration his exoneration they have already promoted him in 1972 and again in 1976 and have also <sup>treated</sup> ~~given~~ his service as continuous.

6. In the circumstances of the present case, we direct that the respondents may consider what benefits in the matter of promotion and seniority can be granted to the applicant, if his removal from service does not stand in his way, to the extent, the benefits granted are within the limitation period. For this purpose, the applicant shall make a representation to the respondents within a period of two months from date of receipt of this order which shall be considered by the respondents within a period of three months on receipt of the representation.

7. The O.A. is disposed of accordingly, with no order as to costs.

( O.P. SHARMA )  
Administrative Member

( D.L. BHATT )  
Vice-Chairman