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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

OA No.36/98

Date of order: 5-3-1998

1. Bhagwan Singh S/o Shri Birdi, aged about 38 years resident of village Chokanda, Post Kakarwa, District Bharatpur, at present employed on the post of Gangman under PWI Baran, Kota Division.
2. Hira Singh S/o Shri Mool Chand aged about 33 years, C/o Bhagwan Singh, Village Chokanda, Post Kakarwa, District Bharatpur, at present employed on the post of Gangman under PWI Baran, Kota Division.

.. Applicants

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Estt.), Western Railway, Kota Division, Kota.
3. Assistant Engineer, Western Railway Baran, Kota Division.

.. Respondents

Mr. Shiv Kumar, counsel for the applicants

Mr. T.P.Sharma, counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

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

O R D E R

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicants, Bhagwan Singh and Hira Singh, have prayed for a direction to the respondents to relieve them for joining duty at their place of posting at Ramganj Mandi pursuant to the order dated 2.9.97. The applicants have also prayed for a direction to the respondents to pay their monthly salary w.e.f. 2.9.97.

Chukiat 2. We have heard the learned counsel for the parties.

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Parties' counsel have agreed to this matter being disposed of at the stage of admission.

3. The applicants' case is that while they were working on the post of Gangman, a screening was conducted by the respondents and on completion of all the formalities the applicants have been regularised vide an order dated 2.9.97. The respondents have posted the applicants at Ramganj Mandi but they are not being relieved for joining duty at their place of posting. The applicants requested the concerned authorities to send them to Ramganj Mandi but respondent No.3 is neither taking the applicants on duty nor is he paying their monthly salary. He has also not relieved the applicants to enable them to join duty at Ramganj Mandi.

4. The respondents have stated in their reply that the applicants are absent from duty since 21.11.97 and it is only after the applicants resume their duty that they shall be relieved to enable them to join duty at the new place of posting. So far as the question of payment of salary for the period from 2.9.97 to 20.11.97 is concerned, the respondents are under an obligation to disburse the same to them in view of the fact stated in their reply that the applicants have been absent from 21.11.97. The learned counsel for the respondents has stated that if the applicants report for duty before the PWI-Baran, they shall be taken on duty and thereafter relieved to join at Ramganj Mandi.

5. In the circumstances, we direct the respondents to take the applicants on duty at Baran on the post

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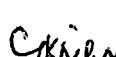
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of Gangman as soon as they report for duty and thereafter relieve them forthwith for joining at Ramganj Mandi on the same post. The respondents are further directed to disburse salary to the applicants for the period from 2-9-97 to 20-11-97. In regard to the salary from 21-11-97 onwards, the applicants may make a representation to the concerned authority and if any such representation is made, the same shall be disposed of within two months of its receipt.

6. The OA is disposed of accordingly with no order as to costs.


(O.P. Sharma)

Administrative Member


(Gopal Krishna)
Vice Chairman