

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 21.05.2002

OA No. 213/2002

K.R. Nirmal son of Shri Moti Ram aged about 63 years, resident of Pratap Nagar, Rangpur Road, Kota. Retired from the post of Station Superintendent, Western Railway, Baran in Kota Division.

....Applicant.

VERSUS

1. The Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager, Kota Division, Western Railway, District Kota.
3. Sr. Divisional Operating Superintendent, Western Railway Kota (now known as Sr. Divisional Operating Manager, Western Railway, Kota).

....Respondents.

Mr. P.P. Mathur, Counsel for the applicant.

CORAM


Hon'ble Mr. M.P. Singh, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. M.P. SINGH, MEMBER (ADMINISTRATIVE)

By filing this OA, the applicant has prayed for the following reliefs:-

- (i) Allow and accept this Original Application and direct the respondents to allow the benefit of increments for the post of Station Superintendent which was withheld since 1989 to 1996 (7 years).
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(ii) That the respondents may be directed to allow the arrear accruing thereto including arrears of pay and other allowances and also post retiral benefits.

(iii) Respondents may also be directed to allow the interest at the rate of 18% on the arrear accruing thereto.

(iv) Any other appropriate order or direction which the Hon'ble Court thinks just and proper in the facts and circumstances of the case and which is in favour of the applicant may kindly also be passed.

2. The brief facts of the case are that the applicant while working as Station Superintendent in the Railways was served with a charge sheet on 29.4.1986. After holding the inquiry, a major penalty of reverting the applicant to the post of ASM in the pay scale of Rs. 1400-2300/ permanently on pay of Rs. 1400/- per month was imposed by order dated 20.1.1989 by the Disciplinary Authority. The applicant has filed an appeal against the order of the Disciplinary Authority. The Appellate Authority vide its order dated 16.8.95 rejected the appeal filed by the applicant. The contention of the applicant is that in this case punishment order was never executed by the Disciplinary Authority and he was allowed to continue on the same post of Station Superintendent. He has, therefore, prayed that since the order of punished was not executed by the Disciplinary Authority, he was entitled for the increments which accrued to him during the service period upto his retirement in the year 1996.

3. Heard the learned counsel for the applicant.

4. From the document filed by the applicant, we find that applicant has not filed a copy of the penalty order passed by the Disciplinary Authority imposing the aforesaid penalty. It is, therefore, not clear as to whether the applicant was allowed to continue to work on the same post

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even after imposing of major penalty of reverting him to the post of ASM in the pay scale of Rs. 1400-2300/ permanently at the stage of Rs. 1400/- per month. Since the applicant was reverted to the post of ASM permanently at the stage of Rs. 1400/- per month, there was no question of granting him further increments unless the penalty imposed upon the applicant was modified by the higher authorities. This is not the case of the applicant. According to the learned counsel for the respondents, the penalty ~~was~~^{is} imposed upon the applicant was neither set aside nor modified by the higher authorities. He also failed to produce any document in support of his claim that the applicant was allowed to work in the grade of Station Superintendent even after the penalty of reversion to the post of ASM permanently was imposed by the respondents.

5. In view of this position, aforesaid, the Original Application does not have any merit and is ^{accordingly} dismissed in limine. No costs.



(J.K. KAUSHIK)
MEMBER (J)



(M.P. SINGH)
MEMBER (J)

AHQ