

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 17.9.2003

CP 39/2003 (OA 377/2001)

Badan Singh s/o Shri Kishan Lal r/o Himmatpur, Post Chikasana, District Bharatpur, last employed as DC Gangman, W/Rly, Kota Division.

... Applicant/Petitioner

Versus

Shri Praveen Kumar Chaudhary, Sr.Divisional Engineer, W/Rly, Kota Division.

... Respondent

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

HON'BLE MR.A.K.BHANDARI, ADMINISTRATIVE MEMBER

For the Applicant/Petitioner

... Mr.Shiv Kumar

For the Respondent

... Mr.S.S.Hasan

ORDER (ORAL)

The applicant/petitioner has filed this CP for alleged violation of the order dated 17.5.2002, passed in OA 377/2001.

2. While disposing of the OA, this Tribunal in operative portion had observed as under :

"Keeping in view the facts and circumstances and discussions in preceding paragraphs, the order dated 3.2.2001 passed by the Disciplinary Authority and the report of the Inquiry Officer are quashed. The applicant shall be entitled to all consequential benefits as per rules. The second portion of the charge relating to unauthorised absence in 1996 and 1997 and for being habitually absent unauthorisedly is also quashed. However, the Disciplinary Authority shall be at liberty to proceed against the applicant from the stage after the issue of the charge-sheet and conduct the inquiry for the first portion of the charge of remaining continuously absent unauthorisedly from 2.3.98 without prior information and thereafter issue appropriate order as per rules. Let this order be complied within three months from the date of its receipt. No order as to costs."

3. The contention of the learned counsel for the applicant/petitioner is that the department has wrongly treated the period, which is under inquiry, as dies-non as the inquiry is going on and no such order could have been passed till conclusion of the inquiry. He also submits that the applicant is also entitled for consequential benefits for the period which is under inquiry.

4. The respondents have filed reply. In the reply it has been stated

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that the order in question has been complied with and in compliance they have issued order dated 11.6.2003 (Ann.R/2).

5. Without going into the merit of the case, we are of the view that there is no violation of the order in question. It is also made clear that we have not expressed any opinion on the merit of the order passed by the respondents (Ann.R/2). Needless to add that it will be open for the applicant/petitioner to challenge the said order (Ann.R/2) by way of separate OA. With these observations, the CP stands dismissed. Notice issued is discharged.


(A.K.BHANDARI)

MEMBER (A)


(M.L.CHAUHAN)

MEMBER (J)