

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.

CIRCUIT COURT SITTING AT BILASPUR(CHHATTISGARH)

Original Application No.223 of 2003

Bilaspur, this the 24th day of September, 2003

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

**T.Appa Rao, S/o Shri T.Ramulu,
Aged about 42 years, Employed as
Pipe Line Khalasi, Under I.O.W.,
S.E.Rly., Durg, Resident at :
Railway Qr.No.59/6, Railway Colony
Durg - 491001**

.... Applicant

(By Advocate - Shri B.P.RAO).

V e r s u s

- 1. Union of India,
Through : The General Manager
South Eastern Railway
Garden Reach, Kolkata**
- 2. The Divisional Railway Manager
South Eastern Railway
Bilaspur Division, Bilaspur**
- 3. The Divisional Personal Officer
South Eastern Railway, Bilaspur
Division, Bilaspur**
- 4. The Senior Divisional Engineer(West)
South Eastern Railway, Bilaspur
Division, Bilaspur**
- 5. The Assistant Divisional Engineer
South Eastern Railway,
Bhilai, District; Durg(C.G.)**
- 6. The Inspector of Works
South Eastern Railway
Durg, District; Durg(C.G.)**

..... Respondents

(By Advocate - Shri M.N.Banerjee).

O R D E R(Oral)

Justice V.S.Aggarwal-

**Applicant T.Appa Rao was working as Pipe Line Khalasi
in South Eastern Railway, Durg. We are informed by the learned
counsel that the applicant had been arrested on 8.3.2001 in
pursuance to the warrant of arrest issued by the learned
Judicial Magistrate in proceedings under Section 125 read with**

Section 127 of the Code of Criminal Procedure. He was released on 8th April, 2001.


2. It is not disputed at either end that on 8th May 2001 an order was passed suspending the applicant and the said order was revoked on the same day.

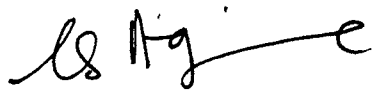
3. The grievance of the applicant is that-(a) he is not being allowed to join the duty, and (b) that he has not been paid the subsistence allowance/arrears, as the case may be, for the period from 8th March 2001 till date.

4. At this stage we deem it necessary to mention that though the applicant has a continuous cause of action but the relief claimed can only be for a period of one year before filing of the petition.

5. The learned counsel of the respondents has drawn our attention to the fact that the applicant had refused to join duty and even refused to take notice reinstating him in service.

6. At this stage we are dealing with this controversy, because this is a matter to be adjudicated in the first instance on basis of the reply, if any, that may be filed by the applicant before the authority. Accordingly, keeping in view the aforesaid, we dispose of the present petition with the directions - (a) relief pertaining to arrears, if any, would be confined to a period of one year before filing of the petition; and (b) the applicant is directed to report for duty at Durg immediately and in that event he shall be allowed to join duty, and (c) the applicant for the past period would submit a representation to the Divisional Personnel Officer, South-East Central Railway at Raipur within 15 days and if such a representation is made for the period referred to above and also about the controversy about his not joining the duty for the past period, necessary order, which would be a speaking order shall be passed within two months and shall be communicated to the applicant. The OA is disposed of.


(Anand Kumar Bhatt)
Administrative Member


(V.S. Aggarwal)
Chairman