

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR  
Original Application No. 358 of 2003

Jabalpur, this the 4th day of July, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

S.L. Dubey S/o Shri Ramdeen Dubey  
aged about 51 years, Fitter Gr. III  
R/o Bhilai, Distt. Durg.

APPLICANT

(By Advocate - Shri R. Shrivastava)

VERSUS

1. Union of India,  
through its General Manager,  
Ministry of Railway,  
Rail Bhawan, New Delhi.
2. Senior Divisional  
Mechanical Engineer,  
South Eastern Railway,  
Bilaspur.
3. Divisional Railway Manager,  
South Eastern Railway,  
Bilaspur.

RESPONDENTS

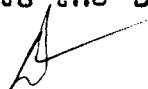
(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

By this Original Application the applicant  
prayed that the respondents be directed to accept the  
joining of the applicant and to allow him to work in  
pursuance to the reinstatement order dated 01/05/1997.

2. The facts shows that earlier after a departmental proceeding the applicant was removed from service. The removal order was challenged by the applicant and the same was quashed. The Tribunal vide its order dated 12th March 1997 in OA No. 474/1994, directed that the applicant shall be reinstated in service and be paid full back wages. The Tribunal however gave liberty to the Department to proceed with

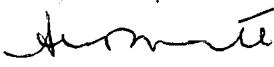


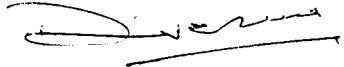
the enquiry under the rules. It appears that after the reinstatement order of the Tribunal dated 12/03/1997 the Department passed an order dated 01/05/1997 (copy Annexure A/3), whereby the applicant was reinstated and was posted as Fitter Grade-III at Karanji (the order shows that posted at C/KJZ under CF/KJZ). An order was also passed for payment of full back wages. The other direction was that the D & A proceedings against the applicant will be initiated as per the judgment. The applicant however did not join at Karanji in pursuance to order Annexure A/3 and wanted to join at Bhilai. A representation of the applicant was also decided vide Annexure A/7, dated 29/08/1997 by which the applicant was informed that his prayer for posting at Bhilai has been rejected and the order dated 01/05/1997 will stand good. Even thereafter the applicant did not join ~~as per order~~. Subsequently the applicant filed an application under Section 27 of the Administrative Tribunals Act. The same was however rejected vide order dated 10th March 2003. The learned counsel for the applicant submitted that on 11/04/2003 the applicant gave an application to the Senior Divisional Mechanical Engineer, Bilaspur for joining, but the applicant has not been allowed. So he has come to this Tribunal to claim the relief mentioned earlier.

3. The respondents were granted time to file reply but no reply has been filed. The learned counsel for the respondents Shri M.N. Banerjee seeks further time to file reply. We however find that the Original Application can be disposed of at the admission stage,

*[Signature]*

even if no reply has been filed. Shri Banerjee was not able to give us the present stage of the enquiry which was to be initiated. Even if any enquiry has been initiated against the applicant and the result thereof is not communicated, the applicant should have been taken back in service as per the Tribunal's direction dated 12.3.1997. The applicant's claim for being posted at Bhilai, may have no weight but some posting has to be given to the applicant. 6 years period has now gone even after the Tribunal's order dated 12.3.1997 and the applicant has not joined at Karanji. The applicant is to blame himself for not joining at Karanji even after ~~xxxx~~ his claim for Bhilai was rejected. An employee having transfer liability cannot always get place of his choice. After six years period Karanji post may not be vacant so some posting order has to be passed by the respondents so that the applicant now joins as he is agreed to join, wherever he may be posted. The applicant is directed to make a representation to the respondents within a period of 7 days with regard to his posting/joining and the respondents shall decide the same and pass an appropriate order within a period of one month thereafter. The Department may dispose of the said representation without taking into the observation made above by us. The Original Application stands decided accordingly.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(D.C. Verma)  
Vice Chairman (J)

पृष्ठांकन सं ओ/व्या..... जटलपुर, दि.....

पत्रिलिपि अन्वेधित :—

- (1) श्रवित्र, उच्चा न्यायालय द्वारा एरोसिएशन, जटलपुर
- (2) आलिकाड श्री/मिस्ट्री/मृ. .... द्वे काउंसल
- (3) प्रस्तुती श्री/मिस्ट्री/मृ. .... द्वे काउंसल
- (4) वांगमाल, दोऽसाम., जटलपुर न्यायालय

सूचना एवं आवश्यक कार्यवाही हेतु

R. Shrivastava  
Mr. Banerjee

उम संनिधि

Dhaka

10-7-03

10/7/03