

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant(s) *Prabhu Dayal Gupta*

Respondent (s) *Govt*

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p><i>15.11.07</i></p>	<p><i>OA 339/2007</i></p> <p><i>Mr. N. K. Choudhary, Counsel for Applicant.</i></p> <p><i>Held the learned Counsel for the applicant.</i></p> <p><i>The OA stands dismissed by a separate order.</i></p> <p><i>(J. P. Shukla)</i> <i>(M.A.)</i></p> <p><i>(M. K. Choudhary)</i> <i>(M.T.)</i></p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 15th day of November, 2007

ORIGINAL APPLICATION NO.399/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

Prabhu Dayal Gupta,
S/o Shri Mool Chand Gupta,
R/o 21/24, Chandak Bhawan,
Babu Mohalla, Kaisargarnj,
Ajmer.

... Applicant

(By Advocate : Shri N.K.Gautam)

Versus

1. Union of India through
General Manager,
North Western Railway,
Jaipur.
2. Chief Works Manager,
Loco Workshop,
North Western Railway,
Ajmer.
3. Dy.Chief Mechanical Engineer,
Carriage Workshop,
North Western Railway,
Ajmer.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying
for the following relief :

- "i) Direct the respondents to treat the intervening period from 24.1.86 to 15.10.86 as dies non.
- ii) Direct the respondents to make payment of retiral dues alongwith pension payment alongwith arrears for 31+9 years faithful services of the applicant."

2. Briefly stated, the facts of the case are that the applicant was removed from service w.e.f. 22.1.86 on account of disciplinary proceedings. From the material placed on record it is clear that after his removal the applicant was again reappointed vide order dated 10.10.86 and he continued as such till his superannuation on 30.11.95.

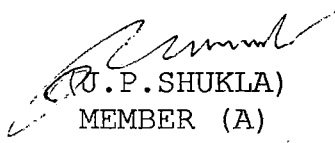
3. Grievance of the applicant is that the intervening period i.e. between 22.1.86, the date on which he was removed from service, to 15.10.86, the date he was reappointed, be treated as dies non.

4. We have heard the learned counsel for the applicant. We are not at all impressed by the submission made by the learned counsel for the applicant. The learned counsel for the applicant has failed to brought to our notice any provision which makes the applicant entitle for treating the aforesaid period as dies-non, when the applicant was ⁱⁿ ~~was~~ ^{notice} in service at the relevant time. Further, it is a well settled law that dismissal or removal of the railway servant from service shall lead to forfeiture of his past services. As such, the period prior to the removal of the applicant cannot be treated as service for the purpose of pension. The applicant was given fresh appointment on 15.10.86. When the applicant has been given fresh appointment, how the period prior to that can be treated as dies-non? Thus, we are of the view that the present OA is bereft of merit.

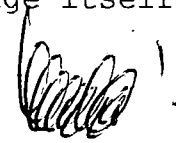
5. Further, the applicant has approached this Tribunal after a lapse of 21 years after his removal from service. In case the applicant had any grievance, he should have filed an OA at that stage. Further, the applicant was continued in service till

his superannuation on 30.11.95. Even at that stage the applicant has not made any grievance regarding treating the aforesaid period as dies-non. The applicant has also not challenged the order of removal from service. As such, the validity of that order cannot be gone into. Further, the applicant has also not moved any application for condonation of delay.

6. Viewing the matter from any angle, the applicant is not entitled to any relief. Accordingly, the present OA is dismissed at the admission stage itself.



(U.P. SHUKLA)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)

vk