

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 26th day of November, 2010

ORIGINAL APPLICATION NO. 505/2008
With
MISC. APPLICATION NO. 404/2008

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Roop Narain son of Shri Megha Ram aged about 53 years, resident of Village and Post Isaiyon Ki Dhani, Phulera Junction. Removed from services from the post of Carpenter III (Carriage & Wagon), Phulera Junction, North Western Railway, Jaipur Division, Jaipur.

.....Applicant
(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Jaipur.
2. Chief Mechanical Engineer, North Western Zone, North Western Railay, Jaipur.
3. Additional Divisional Railway Manager, North Western Railway, Jaipur Division, Jaipur.
4. Senior Divisional Mechanical Engineer (Carriage & Wagon), North Western Railway, Jaipur Division, Jaipur.
5. Assistant Méchanical Engineer (Carriage & Wagon), North Western Railway, Jaipur Division, Jaipur.

.....Respondents
(By Advocate: Mr. Hawa Singh)

ORDER

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

"(i) That the entire record relating to the case be called for and after perusing the same letter dated 2.2.2007 (Annexure A/1) passed by Revising authority with letter dated 28.11.2005 (Annexure

A/2) passed by Appellate authority and order dated 07.09.2005 (Annexure A/3) passed by Disciplinary authority be quashed and set aside with all consequential benefits.

- (ii) That enquiry proceedings (Annexure A/7) with the charge memo dated 23.02.2005 (Annexure A/4) be quashed and set aside with all consequential benefits.
- (iii) That the respondents be further directed to reinstate the applicant in service with all consequential benefits.
- (iv) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (v) That the cost of this application may be awarded."

2. Briefly stated, facts of the case are that the applicant while working as Carpenter-III was issued charge sheet dated 23.02.2005 (Annexure A/4) for unauthorized absence for the period with effect from 06.12.2004 to 07.02.2005. The inquiry was held. Subsequently, on the basis of the report submitted by the Inquiry officer, the applicant was removed from service vide order dated 07.09.2005 (Annexure A/3). Appeal as well as Revision filed by the applicant was also dismissed. It has been mentioned in the Appellate order that the applicant had remained repeatedly absent on 6 occasions during the last 3 years. As such, penalty of removal imposed by the Disciplinary Authority was confirmed by the Appellate Authority. It is on the basis of these facts the applicant has filed this OA thereby praying for the aforesaid reliefs.

3. Notice of this application was given to the respondents. The respondents have filed the reply thereby justifying their action on the basis of the finding given by the Inquiry Officer in the inquiry report as well as on the basis of the reasoning given by the authorities.

4. It may be stated that the applicant had also approached before the authorities with the prayer that he may be given compassionate

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allowance as per the provisions contained in Rule 65 of the Railway Services (Pension) Rules.

5. Learned counsel for the respondents has placed on record an order No.NWR/2005/911102/152596 dated 31.03.2010 whereby compassionate allowance @ Rs.1276/- + Relief as due with effect from 09.09.2005 to 31.12.2005 and thereafter Rs.2334/- + Relief with effect from 01.01.2006 till his life has been sanctioned. Further, it has been mentioned that wife of the applicant shall also be entitled for the said amount from the next date of death of the applicant till appointment, re-marriage or death whichever is earlier.

6. In view of the order No. NWR/2005/911102/152596 dated 31.03.2010, learned counsel for the applicant fairly submits that in view of this subsequent development, he does not want to press this OA. Accordingly, the OA shall stands disposed of accordingly.

7. In view of the order passed in the OA, no order is required to be passed in MA No. 404/2008, which shall stands disposed of accordingly.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

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