

Central Administrative Tribunal
Jaipur Bench, JAIPUR

ORDERS OF THE BENCH


17th July, 2009


OA 294/2009

Present: Shri C.B.Sharma, counsel for applicant

Heard counsel for the applicant.

For the reasoned recorded separately the OA stands
disposed of.


(B.L. Khatra)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

mk

Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA 294/2009

This the 17th day of July, 2009

Hon'ble Shri M.L. Chauhan, Member (Judicial)
Hon'ble Shri B.L. Khatri, Member (Administrative)

Prem Raj Singh Verma
S/o Shri Jaganath B. Verma
aged about 44 years,
R/o Meena Bhawan, Sunder Nagar,
Kota Presently holding the post of Chief Booking
Clerk/Commercial Inspect in the office of DRM,
Kota Division Kota, West Central Railway

..... Applicant

(By Advocate: Shri C.B. Sharma)

- Versus -

1. Union of India through General
Manager, West Central Railway,
Jabalpur Zone Jabalpur
2. Divisional Railway Manager,
Kota Division Kota, West Central, Railway
3. Shri Sunil Kumar, Senior Commercial Manager
Kota Division Kota, West Central, Railway

..... Respondents

ORDER (ORAL)

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

(i) That the respondents maybe directed to take the applicant on duty and the period of his alleged absence from 6.2.2008 till he is taken on duty may declared as illegal. The period of alleged absence maybe treated as duty for all the purposes and the applicant may be allowed all consequential benefits including salary and allowance for the period in question.

(ii) That any other direction, or orders may be passed in favour of the applicant which maybe deemed just and proper under the facts and circumstances of this case in the interest of justice.

Briefly stated facts of the case are that applicant while working as Goods Driver was medically de-categorised and he was given alternative appointment on the post of CBS. As can be seen from the material placed on record, applicant proceeded on sick leave w.e.f. 25.7.2007. It is the case of applicant that thereafter he has intending of resume duty w.e.f. 17.7.2007 when he was declared fit by the Railway Doctor but was not permitted to join his duty. Rather respondent has issued charge sheet dated 5.2.2008 for his alleged absence for the

aforesaid period. It is on the basis of these facts the applicant has filed this OA.


We have heard learned counsel of the applicant at the admission stage.


The main grievance of the applicant is that respondents are not permitting the applicant to join his duty although applicant has also prayed that his alleged absence from 6.2.2008 after issuance of charge sheet may be declared illegal. Suffice it to say that since his alleged absence w.e.f. 25.6.2007 is the subject matter of the inquiry, as such we do not wish to express any opinion on this aspect at this stage. Facts remains that the applicant is still Railway Servant and he has not been removed from service. Prima facie, we see no reasons why he may not be permitted to be taken on duty if he is willing to do so and present himself for duty by submitting appropriate application before the appropriate authorities. Accordingly, applicant is directed to present himself before Respondent No.3 by making appropriate application regarding taking him on duty along with copy of this order and such application shall be made within a period of one week. Respondent No.3 shall permit the applicant to resume his duty unless there is some legal impediments dis-entitling the applicant from joining. In that eventuality respondent no. 3

44

shall pass reasoned and speaking order as to how the applicant can not be taken on duty?

In view of these observations, the present OA shall stand dispose of.


(B.L. Khatri)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

mk