

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

Original Application No. 98/2012

Date of Order: 29.3.2016

CORAM

Hon'ble Dr. K.B.Suresh, Judicial Member

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Munni Burman W/o Murlidharan, aged about 53 years, resident of House No.1, Road No.7, Krishna Nagar, Near Bajrang Nagar, Kota (Rajasthan) presently working as Matron, Divisional Railway Hospital, West Central Railway, Kota.

.....Applicant

(By Advocate Mr. Amit Mathur)

VERSUS

1. The Union of India, through its General Manager, West Central Railway, Jabalpur (Madhya Pradesh).
2. The Divisional Railway Manager, West Central Railway, Kota (Rajasthan).
3. The Chief Medical Director, West Central Railway, Kota Division, Kota (Rajasthan)

.....Respondents

(By Advocate Mr.Y.K.Sharma)

ORDER

(Per Dr. K.B. Suresh, Judicial Member)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking following reliefs:-

- 8 (i) The impugned order Annexure A/1 and Annexure A/2 may kindly be quashed and set aside. The period w.e.f. removal from the services up to the 1.12.2007 may kindly be treated as period spent on duty. Further, the punishment order may be made applicable from the date of passing of the original order of punishment not from the date when it has been modified. The directions may be issued to the respondents to make the payment of salary and all allowances from the date of removal to the date of reinstatement to the applicant. Further directions may be issued to the respondents to give all consequential benefits to the applicant.

(ii) That the pay of the applicant may be re-fixed after treating that final penalty period will begin from the date of first penalty order. After doing so the arrears may kindly be allowed to the applicant.

(iii) Any other order or direction which deem fit and proper in the facts and circumstances of the case may also be passed in favour of the applicant.

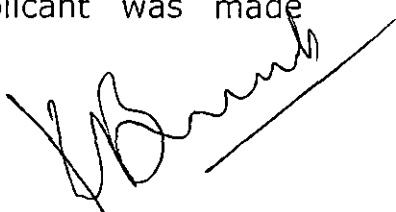
Heard.

Apparently the applicant earlier filed OA No.196/2005 wherein Tribunal passed the order dated 20.8.2007 to the effect that disciplinary authority may impose any punishment other than (i) dismissal from service (ii) removal from service or (iii) compulsory retirement in proportion to the offence committed by the applicant. Therefore, the disciplinary authority imposed the punishment of "reduction in a lower time scale of pay from Grade Rs.6500-10500 to grade Rs.5000-8000 by fixing of the pay at Rs.5000 for a period of two years without cumulative effect."

2. The applicant in the present OA has sought relief to quash and set aside the order Ann.A/1 and Ann.A/2 wherein the period from 19.10.2004 to 1.12.2007 has been treated as dies-non. Applicant claims that the punishment of dies-non may not be imposed and the said period may be treated the period spent on duty. But while passing the order in earlier OA, the OA was allowed. The orders passed in this OA controversial to that, it will affect adverse to which the applicant not deserves any concession. Therefore, the order issued will remain as it suffice. Therefore, the OA is dismissed with no order as to costs.

3. At this point of time the applicant makes request that punishment order may be made applicable from the date of passing of the original order of punishment and not from the date when it has been modified. It is made clear that dies-non will be operational from 19.04.2004 to 20.08.2007 i.e. date of order of the Tribunal in earlier OA No. 196/2005 and one month hence. Thereafter, there will not be any dies-non even though the reinstatement of the applicant was made later.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER


(DR. K. B. SURESH)
JUDICIAL MEMBER