

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH CHANDIGARH

20. O.A. No. 060/00495/14

Suresh Chand Vs. U.O.I. & Others

30.05.2014

Present: Mr. R.P. Rana, counsel for the applicant

1. Heard.
2. Issue notice to the respondents.
3. Mr. Lakhinder Bir Singh, learned Sr. Standing Counsel accepts notice on behalf of the respondents being their Nodal Officer. He seeks and is granted four weeks' time for filing written statement with advance copy to the applicant who may file rejoinder within further two weeks thereafter.
4. List on 04.08.2014.

U.K.
(UDAY KUMAR VARMA)
MEMBER (A)

S.K.
(SANJEEV KAUSHIK)
MEMBER (J)

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JAGDISH PAKSAU

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Order reserved on: 07.03.2014

**ORIGINAL APPLICATION NO. 1431-CH of 2012
Chandigarh, this the 11th day of March, 2014**

**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

Hari Dutt son of Shri Sham Lal, aged 45 years, presently working as
Office Khalasi in Railway Recruitment Board, S.C.O. NO. 34, Sector
7-C, Madhya Marg, Chandigarh.

BY ADVOCATE: SHRI R.P. RANA

...APPLICANT

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Senior Divisional Personnel Officer, Divisional Office Northern Railway, Ambala Cantt. Haryana.

...RESPONDENTS

BY ADVOCATE: SHRI SANJAY GOYAL



ORDER

HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-

The applicant seeks change in the date of his appointment as entered in his Service Book from 22.01.2004 (or 20.01.2004, as written in representations) to 22.12.2002 by way of correction in order that he becomes entitled to pension.

2. Applicant joined the Northern Railway as a gangman on 06.06.1985. On his medical examination on 25.04.1990, he was declared unfit for his category and his services were terminated on 26.04.1990. As he was not offered alternative category he was fit for, to which he was entitled to under the Railway Establishment Code, he raised an industrial dispute under the Industrial Disputes Act, 1947. The Central Government Industrial Tribunal-cum-Labour Court, Chandigarh directed the management to reinstate the applicant in alternative job within one month from the date of publication of the award dated 10.09.2002 (Annexure A-2). The said award was published on 20.11.2002, but the applicant was reinstated in alternative job as a Safaiwala after more than a year,

(OA No. 1431-CH-2012)

vide the Northern Railway's Notice dated 16/19.01.2004 (Annexure A-3), which he joined on 22.01.2004.

3. Applicant then filed an application under Section 33C(2) of the Industrial Disputes Act 1947. The Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh held the applicant entitled to wages for 12 months and 11 days @ Rs. 4,107/- p.m. from 20.12.2002 (the date the above award became enforceable) till December 2003, vide its Order dated 07.11.2006 (Annexure A-4). The applicant was paid also, vide the cheque of Rs. 50,741/- dated 18.01.2008 (Annexure A-5).
4. Applicant made repeated representations for correction in the date of his appointment as entered in his Service Book. However, his request has been rejected, vide the respondents' letter dated 27.07.2012 (Annexure A-1).
5. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the entire matter.



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6. It is clear from the above factual backdrop that the applicant was denied alternative job for more than a year against the direction of the Central Government Industrial Tribunal-cum-Labour Court, vide its award dated 10.09.2002 (Annexure A-2), which fact was reiterated by the Central Government Industrial-cum-Labour Court II in its Order dated 07.11.2006 (Annexure A-4) granting the applicant wages for the period from 20.12.2002 to December 2003. We are of the view that the applicant should not be made to suffer for the administrative delay on the part of the respondents. Annexure A-1 is, therefore, set aside. The respondents are directed to change the date of his appointment as entered in his Service Book from 22.01.2004 to 22.12.2002, which shall be called the deemed date of appointment in order that he becomes entitled to pension only.

7. The O.A. is allowed accordingly. No order as to costs.

(DR. BRAHM A. AGRAWAL)
MEMBER(J)

(RAJWANT SANDHU)
MEMBER(A)

Dated: 11.03.2014
'SK'

True copy of original
P. Ranu Advoca