

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA-2676/2014

New Delhi, this the 17th day of July, 2018

Hon'ble Sh. V. Ajay Kumar, Member (J)

Hon'ble Sh. A.K. Bishnoi, Member (A)

Gopal, Aged-58 years,
S/o Sh. Bankey Lal,
Working as Carriage Cleaner,
C&W Department, Delhi,
R/o H.No. 285, Jatwada,
New Balmiki Mandir,
Ghaziabad (UP). ...

Applicant

(through Sh. Yogesh Sharma)

Versus

1. Union of India through
The General Manager, Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Delhi Division,
State Entry Road,
New Delhi.
3. The DME(C&W),
Northern Railway, DRM Office,
State Entry Road,
New Delhi.
4. The Senior Section Engineer (C&W),
Northern Railway Station,
Delhi.

(None)

Respondents

ORDER(ORAL)**Hon'ble Sh. V. Ajay Kumar, Member (J)**

Heard learned counsel for the applicant. Even on 10.07.2018, there was no representation on behalf of the respondents. Today again there is no representation on their behalf.

2. The applicant, who is presently working as Carriage Cleaner under the respondents, Northern Railway, filed the OA seeking grant of financial upgradation under ACP/MACP Scheme from the due dates with all consequential benefits. The respondents vide impugned Annexure A/1 dated 24.03.2014 replied to the legal notice got issued on behalf of the applicant by stating that the applicant was imposed penalty of removal from service and the said punishment was upheld in appeal affirming the order of the disciplinary authority. However, the revisionary authority modified the said punishment of removal by reducing to the penalty of withholding of increment temporarily for two years and the intervening period from the date of removal to the date of reinstatement was held to be dies non.

3. Learned counsel for the applicant submits that even though finally the penalty of withholding of increment temporarily for two years was imposed on the applicant but after the currency of the

said punishment by considering remaining service of the applicant, his case is required to be considered for granting of financial upgradation as per rules. It is further submitted that the respondents have not passed any orders on the treatment of period from 12.01.1990, i.e., from the date of absence to the date of removal till date in spite of number of representations made by the applicant.

4. In the circumstances, the OA is partly allowed by directing the respondents to decide the treatment of the period from 12.01.1990 to 20.08.1999, as per rules, within 60 days from the date of receipt of a certified copy of this order and, thereafter, shall also consider the claim of the applicant for granting financial benefits, as per rules, and pass appropriate orders within ninety days therefrom. No costs.

(A.K. Bishnoi)
Member(A)

(V. Ajay Kumar)
Member(J)

/ns/