

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

C.P. No. 541/2018 in
O.A. No.4189/2015

This the 20th day of April, 2018

Hon'ble Mr. Justice Dinesh Gupta, Chairman
Hon'ble Mr. K.N.Shrivastava, Member (A)

Surya Dayal Singh,
aged about 52 years,
S/o Shri Dhud Nath Singh,
Removed Hospital Attendant
Health Unit Kot Kapura (N. Rly.)
C/o Sh. S.N. Vatsa, Rly. Qr. No.2/1,
Ram Nagar Colony, Pahar Ganj,
New Delhi.

-Applicant

(By Advocate Shri G.D. Bhandari)

Versus

1. Sh. R.K.Kulshrestha,
General Manager,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.
2. Sh. Vivek Kumar,
Divisional Railway Manager,
Northern Railway,
Ferozpur Division,
Ferozpur Cantt. (Punjab).
3. Dr. A.Chatterjee,
Chief Medical Superintendent,
Northern Railway Hospital,
Firozpur Division, Firozpur Cantt. (Punjab)
4. Sh. Sunil Kapoor,
Chief Medical Director,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.

- Respondents.

(By Advocate: Sh. R.N.Singh and
Sh. V.S.R.Krishna with Sh. Shailendra Tiwari)

ORDER (ORAL)

By Hon'ble Sh. K.N.Shrivastava, Member (A)

Heard the learned counsel for the parties.

2. Vide order dated 20.12.2016 we had issued the following directions:

“14. In the conspectus of the discussions in the foregoing paras, we are of the view that the action of the respondents in holding that the applicant does not belong to ST caste without issuing any notice to him, without referring the matter to District Magistrate and Caste Scrutiny Committee is totally illegal. Accordingly, we quash and set aside Annexures A-1, A-2 and A-3 orders passed by the DA, AA and RA respectively. We also quash and set aside Annexure A3/A enquiry report dated 11.06.2012.

15. The respondents are, however, given liberty to undertake verification of the caste of the applicant through proper channel and take any appropriate decision on the basis of such verification in the due course.

16. The OA stands allowed.”

3. As the aforesaid order was not complied with, the applicant has filed the present CP. When the CP was taken up for consideration on 01.02.2018, the respondents filed a compliance affidavit in which they have stated that applicant has been reinstated in service in compliance of the Tribunal's order. However, they have not paid salary to the applicant for the period he remained out of service i.e. 15.11.2012 to 19.12.2016. Sh. R.N.Singh argued that the respondents are not obligated to pay salary for the said period under FR 54-A Sub Rule 2. We were, however, not convinced with the arguments of Sh. R.N.Singh and directed to pay salary to the applicant for the aforesaid period. Learned counsel for the respondents, on instructions from Sh. Amarjeet Singh, Chief Legal Assistant, departmental representative, submitted on that day that the

respondents shall pay salary for the said period within a period of one month to the applicant.

4. The respondents thereafter moved to Hon'ble High Court by filing WP (C) No.1991/2018 wherein the order dated 01.12.2018 passed in the present CP was challenged. The Hon'ble High Court has issued the following direction vide order dated 01.03.2018:

“1. Issue notice to the respondent directly as also through the counsel who was appearing for him before the Tribunal, on the petitioner filing the process fee within one week, by ordinary process and speed post, returnable before the Registrar on 09.05.2018, for completion of service.

2. Subject to the petitioners depositing the wages of the respondent for the period from 15.11.2012 to 19.12.2016, in the Registry, within four weeks from today, no coercive steps shall be taken against them in CP No.541/2017.

3. Immediately upon receipt of the aforesaid amount, the Registry shall place the same in a FDR, initially for a period of six months to be renewed thereafter from time to time, till further orders.

4. List in court on 27.11.2018.”

5. Sh. R.N.Singh submits that in compliance of the ibid directions of Hon'ble High Court, respondents have already deposited sum of Rs.11,10,546/- (Eleven Lakhs Ten Thousand Five Hundred Forty Six only) vide cheque no. 099679 with the Registry of the Hon'ble High Court.

6. Per contra, Sh. G.D.Bhandari, learned counsel for applicant argued that the conduct of respondents cannot be appreciated for the simple reason that on 01.12.2018 they submitted before this Tribunal that the salary for the period the applicant remained out of

service shall be paid within a month but they did not do so, instead they have challenged the Tribunal's order itself before the Hon'ble High Court.

7. Be that as it may, since the developments as noticed herein above have taken place, we are of the view that no useful purpose will be served to keep this CP alive. Accordingly, CP is closed. Notices are discharged. However, petitioner shall have liberty to seek revival of the CP in case the Tribunal's order dated 20.12.2016 survives in the Hon'ble High Court.

(K.N.Shrivastava)
Member (A)

(Justice Dinesh Gupta)
Chairman

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