

CENTRAL ADMINISTRATIVE TRIBUNAL,MUMBAI BENCH, MUMBAIORIGINAL APPLICATION NO. 617 OF 2017

**Date of Decision:- 12<sup>th</sup> day of October, 2017**

**CORAM:-HON'BLE SHRI. ARVIND.J.ROHEE, MEMBER (J)**

**Shri. Nivruti Pandharinath Gatkhel**

Aged 59 years,

Occupation- Service.

Residing at, Village: Balaiduri,

Tal:-Igatpuri, Dist: Nashik 422402

... **Applicant.**

*(Applicant by Advocate Shri. Omkar Nagwekar)*

**Versus**

**1. Union of India**

Through Ministry of Railways,  
Ministry of Railways,  
New Delhi 110 001.

**2. Divisional Railway Manager,**

(P/S&T), Mumbai CST,  
Chatrapati Shivaji Terminas,  
Fort Mumbai 01. .... **Respondents**

ORDER (ORAL)

**1.** Today Division Bench is not available and hence the matter is taken up before Single Bench.

**2.** When the matter is called out for admission, heard Shri. Omkar Nagwekar, learned Advocate for the applicant.

**3.** I have carefully perused the case record.

4. The applicant is presently working as Sailor with the Respondent No. 2. He has come up with the grievance regarding proper fixation of his pay and for treating the suspension period as duty period. While in service, the applicant was prosecuted for the offences punishable under sections 143, 148 and 302 of Indian Penal code. On trial he was sentenced to suffer imprisonment for life with fine. However, on appeal the applicant is acquitted by the Hon'ble High Court on 21.10.2013. It appears that after suffering conviction from the Sessions Court the applicant's services were however not terminated and after the decision of the Hon'ble High Court in his favour he was allowed to join duties.

5. In the background of the aforesaid factual position, the applicant has sought the following reliefs In this OA:-

*"(a) This Hon'ble Tribunal be pleased to direction from this Hon'ble tribunal to respondents to consider applicant's total service from the date of his initially appointment and for pay fixation as per pay 6<sup>th</sup> pay commission and then according to 7<sup>th</sup> pay commission in view of circular of Government of India, Ministry of Railways (Railway Board) No. E (D&A) 69R06-48 dated*

05.09.1970 as applicant is acquitted by Hon'ble High Court of Bombay for the offence punishable under Section 302, 325 r/w section 149 of Indian Penal Code by judgment and order dated 21.10.2013 passed in Criminal Appeal No. 507/2006.

**(b)** Costs of this application be provided for;

**(c)** Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

**6.** The record further shows that the applicant has submitted a representation dated 24.10.2016 (Annexure A-6) followed by a reminder dated 05.04.2017 (Annexure A-7) to the Respondent No. 2 for redressal of his grievance. However, according to him nothing was heard from the other end so far.

**7.** In view of above this Tribunal is of the considered view that since there is no impugned order as such passed by the respondents rejecting the applicant's claim and since the representations are pending, ends of justice will be better served if appropriate directions are issued in the matter.

**8.** Respondent No. 2 Divisional Railway Manager (P/S&T), Mumbai CST is therefore,

directed to consider and pass a reasoned and speaking order on the pending representations dated 24.10.2016 (Annexure A-6) and 05.04.2017 (Annexure A-7) of applicant in accordance with law, within a period of eight weeks from the date of receipt of certified copy of this order.

**9.** The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

**10.** The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

**11.** *Dasti.*

(A.J. Rohee)  
Member (J)

*sdp*