

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.21/409/2018**

**Date of Order: 18.12.2018**

Between:

A.R. Rakesh, S/o. R. Ramulu, Aged 30 years,  
Occ: Track Maintainer – IV (Group D),  
O/o. The Senior Section Engineer (Permanent Way),  
South Central Railway, Hyderabad Division,  
Umri RS, Maharashtra State.

... Applicant

And

1. The Union of India, Rep. by  
The General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager,  
South Central Railway, Hyderabad Division,  
Hyderabad Bhavan, Secunderabad.
3. The Additional Divisional Railway Manager,  
South Central Railway, Hyderabad Division,  
Hyderabad Bhavan, Secunderabad.
4. The Senior Divisional Personnel Officer,  
South Central Railway, Hyderabad Division,  
Hyderabad Bhavan, Secunderabad.
5. The Assistant Personnel Officer (Engineering),  
South Central Railway, Hyderabad Division,  
Hyderabad Bhavan, Secunderabad.

... Respondents

Counsel for the Applicant ... Mr. K.R.K.V. Prasad

Counsel for the Respondents ... Mr. V. Vinod Kumar, SC for Rlys

***CORAM:***

***Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mrs. Naini Jayaseelan, Member (Admn.)***

***ORAL ORDER***  
***{Per Hon'ble Mr. Justice L.Narasimha Reddy, Chairman}***

The applicant was working as Bungalow Peon in the Railways. He was removed from service through order dt. 06.09.2010 on the ground that he remained absent continuously for 91 days. The appeal preferred by him was dismissed on 01.02.2011. Aggrieved by the same, the applicant filed OA 132/2012 before this Tribunal. The OA was allowed through order dt. 09.01.2015 setting aside the order of removal and directing his reinstatement with all consequential benefits. Writ Petition No. 26790 of 2015 filed by the respondents against the order in the said OA was dismissed with certain directions regarding the manner in which the period subsequent to the order of removal shall be treated. The respondents issued an order dated 06.01.2016 directing reinstatement of the applicant and treating the period from date of removal from service, till he reports to duty, as period not spent on duty. This OA is filed challenging the said order.

2. The applicant contends that the impugned order is contrary to the specific direction issued by the Hon'ble High Court and the relevant service rules.
3. The respondents filed a counter opposing the OA. It is stated that the impugned order was issued in the light of the directions issued by the Hon'ble High Court. It is also stated that on a review of the impugned order, Memorandum dt. 20.07.2018 was issued protecting the pay of the applicant as on the date of removal and granting the subsequent increments.
4. We heard Mr. K.R.K.V. Prasad, learned counsel for the applicant and Mr. V. Vinod Kumar, learned Standing Counsel for the respondents.

5. It is no doubt true that a mistake has crept into the impugned order dated 06.01.2016 in the context of the manner in which the period subsequent to the date of removal must be treated. Rule 1344 of Indian Railway Establishment Code mandates that whenever an order of removal or dismissal of an employee is set aside by a court of law, he shall be extended all the benefits covering the period subsequent to the date of removal or dismissal, on reinstatement. Obviously, realizing this, the respondents passed order dt. 20.07.2018 protecting the pay of the applicant as on the day of removal from service and granting periodical increments. With this, the grievance of the applicant stands redressed and nothing remains to be adjudicated in this OA.

6. Accordingly, the OA is disposed of as infructuous. There shall be no order as to costs.

**(NAINI JAYASEELAN)**  
**MEMBER (ADMN.)**

**(JUSTICE L. NARASIMHA REDDY)**  
**CHAIRMAN**

(Dictated in open court)  
Dated, the 18<sup>th</sup> day of December, 2018

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