

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00242/2019

Jabalpur, this Tuesday, the 19th day of March, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

R.L. Meshram S/o Late Shri Ramaji Meshram, Aged about 70 years, Ex-Workshop Foreman, Vocational Rehabilitation Training Center for Differently Abled Dana Godam, Napier Town, Jabalpur (M.P.) 482001
-Applicant

(By Advocate –**Shri Amardeep Gupta**)

V e r s u s

1. Union of India, Through its Secretary, Government of India, Ministry of Labour & Employment Shram Shakti Bhawan, Rafi Marg, New Delhi 110001

2. Director General (Employment) Government of India, Ministry of Labour & Employment Directorate General of Employment Shram Sahkti Bhawan Rafi Marg, New Delhi 110001

3. Deputy Secretary, Government of India, Ministry of Labour & Employment Directorate General of Employment EE-II Section, Shram Shakti Bhawan, Rafi Marg New Delhi 110001

4. Assistant Director (Employment) Government of India, Ministry of Labour & Employment (DGE) National Career Service Centre for Differently Abled Dana Godam, Opp. Nav Bharat Press, Napier Town, Jabalpur (M.P.) 482001
- Respondents

O R D E R (Oral)

This Original Application has been filed by the applicant against the inaction of the respondent-department for not deciding

the representation dated 12.09.2018, 29.10.2018 and 14.11.2018 (Annexure A/7).

2. Precisely the case of the applicant is that the applicant was charge sheeted by the respondent-department in which various charges were imputed against the applicant and applicant has been dismissed from service after departmental enquiry. Applicant has been reinstated after the judgment passed by the Hon'ble High Court in Writ Petition Nol.6554/2002 (decided on 16.05.2007) vide office order dated 23.03.2008 (Annexure A/1).

3. The respondent-authorities have not taken any action with regard to the payment of back wages of applicant during the period from 22.03.1996 to 19.03.2008 when applicant was out of job. The Hon'ble High Court has quashed and set aside the order of dismissal of applicant on the ground that no opportunity of hearing has been granted to the applicant while disciplinary authority has given a disagreement note to applicant for some of the charges in which enquiry officer had not proved. Hon'ble High Court had directed the disciplinary authority to initiate the department enquiry from the stage to grant the opportunity of hearing to applicant on disagreement note given by the disciplinary authority. But respondent-authorities have initiated the fresh enquiry against applicant by appointment PO/IO. The applicant approached this

Tribunal by filing O.A. No.85/2008 in which Hon'ble Tribunal has directed to the disciplinary authority to initiate the departmental enquiry against applicant from the stage by granting opportunity of hearing on disagreement note and complete the departmental enquiry within six months. Meanwhile the applicant was superannuated from service on 31.03.2009. After retirement, the applicant again represented before the respondent-authority for taking decision for payment of backwages to the applicant and prayed that the respondent-authority has failed to complete the inquiry within a period of six months and also the non compliance of order passed by this Tribunal in O.A. No.85/2008. Now the respondent-department vide Annexure A/6 has informed the applicant regarding the fixation of the pay. Vide Annexure A/5 dated 23.09.2018, the salary of the applicant was re-fixed after reinstatement. The applicant has submitted that after reinstatement the salary fixed by the respondent-department is less than the pay fixed before the termination order.

4. At this stage learned counsel for the applicant submits that the representation/s dated 12.09.2018, 29.10.2018 and 14.11.2018 (Annexure A-7 colly.) submitted to the respondent-department and the same is pending till date.

5. Learned counsel for the applicant submits that the applicant would be satisfied that if the respondent-department may be directed to decide the representation in a time bound manner.

6. This Tribunal is of the view that as the representation is pending before the respondent-department and the submission of the learned counsel for the applicant is genuine. Resultantly the respondents are directed decided the applicant's representation Annexure A/7 colly., within a period of 60 days from the date of receipt of a copy of this order.

7. Needless to say that the respondents shall pass the speaking and reasoned order and shall also dealt with the issue raised in the representation.

8. With these observations this O.A. is disposed of at the admission stage.

(Ramesh Singh Thakur)
Judicial Member

kc