

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 20 of 2019**

This the 16<sup>th</sup> day of January, 2019

**Hon'ble Ms. Jasmine Ahmed, Member-J**  
**Hon'ble Mr. Devendra Chaudhry, Member-A**

Vishnu Kumar, aged about 43 years, S/o late Sri Kalloo, R/o Gram Hazipur, Post Bakshi-Ka-Talab, Lucknow.

.....Applicant

By Advocate : Sri Praveen Kumar

Versus.

1. The Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. The Sr. Divisional Personnel Officer, Northern Railway, Hazratganj, Lucknow.
4. The Sr. Divisional Mechanical Engineer, Northern Railway, Hazratganj, Lucknow.

.....Respondents.

By Advocate : Sri Mahendra Kumar Shukla

**O R D E R (Oral)**

**By Ms. Jasmine Ahmed, Member-J**

Heard the learned counsel for the applicant as well as the learned counsel for the respondents and perused pleadings available on record.

2. This is second round of litigation before this Tribunal. The applicant had earlier filed O.A. No. 278 of 2010, which was allowed vide judgment and order dated 26.7.2012 by quashing the penalty order, appellate order and Revisional order by observing that the applicant is entitled to be reinstated into service by directing the respondents to have the applicant reinstated through an appropriate order within a period of two months from the date of communication of the order. While allowing the O.A., this Tribunal had given two options to the respondents, as regards back wages, either to initiate enquiry from the date of appointment of Enquiry Officer then the period of absence from the date

of removal from service till the date of reinstatement shall be treated as period of suspension and the applicant shall be paid due subsistence allowance as per rules on the subject and if the respondents do not wish to proceed against the applicant, in that event, the applicant not having performed any duty (nor was in a position to perform such duties due to his ill health), he is not entitled to any back wages under the principle of 'No Work No Pay'. In compliance of the order of this Tribunal, the applicant has been reinstated in service vide order dated 26.10.2012. The respondents vide order dated 5.12.2012 posted the applicant on the post of Carriage Cleaner though he was holding the post of Helper Khalasi prior to punishment order. On reinstatement, the applicant preferred a representation to the respondent no.2 on 20.11.2017 followed by reminder dated 20.12.2018 through registered post for grant of benefits like promotion, ACP, MACP etc, but no heed was paid by the respondents.

3. Learned counsel for the applicant states, at this stage, that the applicant would be happy and satisfied if a direction be given to the respondents to consider and decide the pending representation dated 20.11.2017 followed by reminder dated 20.12.2018 (Annexure nos. 3 & 4 respectively) in accordance with law in a time bound manner.

4. In view of the innocuous prayer made by the learned counsel for the applicant, this O.A. stands disposed of finally at admission stage itself with a direction to the respondent no. 2/competent authority to consider and decide the pending representation dated 20.11.2017 followed by reminder dated 20.12.2018 (Annexure nos. 3 & 4 respectively) by passing a reasoned and speaking order in accordance with law within a period of three months from the date of receipt of certified copy of this order under intimation to the applicant. It is made clear that nothing has been commented on the merits of the case. There shall be no order as to costs.

**(Devendra Chaudhry)**  
**Member-A**

**(Ms. Jasmine Ahmed)**  
**Member-J**

*Girish/-*