

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1014/2014

New Delhi this the 19th day of December, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Sh. Kshetrapal Singh Kushwah,
S/o late Sh. Vijay Singh
Ex. Trackman Railway Station Kalpi,
Under DRM Jhansi,
R/o Bhagwati Prasad Kushwa
RZ 24/234 K Block,
Dyal Park, West Sagar Pur,
New Delhi-46

- Applicant

(By Advocate: Mr. HK Bajpayee for Ms. Meenu Mainee)

VERSUS

Union of India : Through

1. The General Manager,
North Central Railway, Allahabad
 2. The Chief Signal and Tele Communication,
Engineer (Construction)
North Central Railway, Allahabad
 3. Deputy Chief Signal and Tele Communication
Engineer (Construction)
North Central Railway, Jhansi
 4. Deputy Chief Signal and Tele Communication
Engineer (Construction), NCR,
North Central Railway, Mathura, UP
- Respondents

(By Advocate: Mr. Shailendra Tiwary)

ORDER (Oral)

Ms. Nita Chowdhury:

This Original Application (OA) has been filed by the applicant, seeking the following reliefs:-

- “8.1 That this Hon’ble Tribunal may graciously be pleased to allow this OA and direct the respondents to pay the wages of the applicant from 27-4-2004 on which date the Learned Labour Court had directed the respondents to reinstate the applicant but the applicant was not reinstated.
- 8.2 That the applicant is also entitled to seniority/promotion/fixation of pay as well as back wages from the date from which he was wrongfully removed from service and was subsequently reinstated in July, 2013.
- 8.3 That this Hon’ble Tribunal may also be further graciously pleased to allow interest @10% per annum on the total amount which was due to be paid after the judgment of the Learned Labour Court but have not paid the same from the date the amount was due till the date of actual period.
- 8.2 Pass any other or further order which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.
- 8.3 That the cost of the proceedings may kindly be granted in favour of the applicant and against the Respondents.”

2. When the matter is taken up, main counsel for the applicant has not appeared and only proxy counsel for the applicant appeared. We thus proceed with the matter under Rule 15 of the CAT (Procedure Rules) 1987. We have heard the learned counsel for the respondents.

3. It is the main contention of the applicant that despite the directions of the Labour Court and the Hon’ble High Court, the respondents have failed to pay the benefits, including back wages, communication, leave encashment etc. and the amount said to have been paid by the

respondents vide order dated 04.01.2016 is not the full amount which was due to him. The applicant further states in the rejoinder that the respondents are not able to show the clear position regarding pension, wages, insurance etc in the short reply filed by them. The respondents have also not paid any interest on the delayed payment of amount.

4. The respondents in their reply are able to show that the pay of the applicant has been fixed as per the seniority assigned to him at par with Sh. Dan Singh, Helper Khallasi and the revised payment settlement was also issued by the Accounts Department for the payment of a sum of Rs.5,74,833 vide order dated 04.01.2016 along with PPO dated 23.12.2015. Further, the respondents are also able to show a communication made by them on 13.05.2016 in which they have given the full details of payment made to the applicant in compliance with orders passed in OA No. 1014/2014 and the same was perused. The entire details of payments made towards DCRG, Voluntary Fund/Salary, Wages and commutation value have been given in detail in the said order.

5. Hence, in view of the detailed information given to the applicant with regard to payments made to him and the fact that the payments have been released by the respondents, we do not find any merit in this OA and the same is dismissed accordingly. No costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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