

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12070 OF 2016

Shrikant Tiwari s/o
Shrirama Prasad Tiwari

.. Petitioner

Vs.

Union of India
Through the General Manager,
Central Railway and Others

.. Respondents

....
Mr. Rahul Walia Advocate for Petitioner
Mr. T.J.Pandian Advocate for Respondent
....

**CORAM : SMT.V.K.TAHILRAMANI AND
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATED : SEPTEMBER 27, 2017

ORAL JUDGMENT [PER SMT.V.K.TAHILRAMANI, J.]:

1 Heard Mr. Walia, the learned counsel for the petitioner and Mr. Pandian, the learned counsel for all the respondents. Rule. By consent, rule is made returnable forthwith.

2 The petitioner was Head Booking Clerk who was compulsorily retired from service on 16.5.2002. Being

aggrieved thereby, he preferred Original Application No. 398 of 2011 before the Central Administrative Tribunal Bench at Mumbai (hereinafter referred to as the "Tribunal"). After considering the matter in detail, the Tribunal by order dated 24.6.2016 allowed the original application and the respondents were directed to reinstate the petitioner in the post of Head Booking Clerk in the same Grade and Pay as on the date of his compulsory retirement. However, the Tribunal observed that the petitioner would not be entitled to any backwages. Being aggrieved by the fact that the Tribunal held that the petitioner would not be entitled to any backwages, this petition has been preferred.

3 It is seen that as far as directing reinstatement is concerned, detail and exhaustive reasons have been given in the order by the Tribunal, however, there is no reason at all given in the said order for stating that the petitioner would not be entitled to any backwages. In this view of the matter, we remand the matter back to the Tribunal for hearing on the aspect of backwages. All contentions of all the parties on the aspect of backwages are left open. The Tribunal is requested

to decide the aspect of backwages within a period of three months from the date of receipt of this order. Petition is disposed of accordingly. Rule is made absolute in above terms.

[DR.SHALINI PHANSALKAR-JOSHI,J.] [SMT.V.K.TAHILRAMANI, J.]

Kandarkar