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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2037/2002

Monday, this the 5th day of August, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (Admn.)

Constable Hawa Singh  
s/o Shri Nand Ram  
r/o Q.No.D/131, MCD Colony  
New Usman Pur, Delhi

..Applicant

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India through its Secretary  
Ministry of Home Affairs  
North Block, New Delhi
2. Dy. Commissioner of Police  
Police Headquarters, IP Estate  
MSO Building, New Delhi

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

The applicant, who was dismissed from service, had approached this Tribunal in OA-978/2001. The Tribunal, by its order dated 6.2.2002 (A-3), quashed and set aside the order of dismissal and the respondents were directed to reinstate the applicant in service with all consequential benefits as per rules and instructions. In pursuance of the aforesaid order, the respondents have issued order dated 10.4.2002 (A-1) reinstating the applicant in service with immediate effect. However, in respect of the period from the date of the applicant's dismissal to the date of his reinstatement in service back-wages have not been directed to be paid, although the said period has been treated as spent on duty. Similarly, though the period of the applicant's suspension from 23.7.1988 to 5.11.1998 has also been decided by the aforesaid authority as a period spent on duty, the arrears of pay and allowances have been

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denied by holding that the appointing authority had a discretion in the matter and by pointing out that since the Tribunal has not specifically directed payment of arrears of pay and allowances in respect of the said period, the competent authority has decided to deny ~~the~~ <sup>in question</sup> payments ~~nowhere~~.

2. The learned counsel appearing on behalf of the applicant submits that since both the periods aforesaid have been treated as periods spent on duty, the applicant was entitled to payment of pay and allowances in terms of the provisions of F.R.54 (A)(III). No representation has been filed by the applicant against the aforesaid order.

3. Having regard to the submissions made by the learned counsel, we are inclined to take the view that the present OA deserves to be disposed of at this very stage even without issuing notices with a direction to the respondents in the following terms:

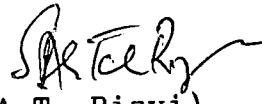
4. The impugned order dated 10.4.2002, though it denies payment of pay and allowances in respect of the two periods mentioned above, does not refer to any specific rule by relying on which the impugned order has been passed. The aforesaid authority is accordingly directed to re-examine the matter in the light of F.R.54 (A)(III) and such other rules as might be applicable and pass a reasoned and a speaking order speedily and in any event within a period of two months from the date of receipt of a copy of this order. We order accordingly. We also direct the aforesaid authority to consider the present OA

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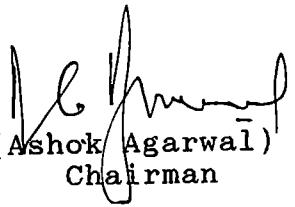
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as a representation made on behalf of the applicant before  
passing orders as above.

5. The present OA is disposed of in the aforesated  
terms.

  
(S.A.T. Rizvi)

Member (A)

  
(Ashok Agarwal)  
Chairman

/sunil/