

Central Administrative Tribunal
Principal Bench

OA No. 1258/2015

New Delhi this the 28th day of February, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

N.M. Sharawat, Age about 56 years,
S/o Sh. Samar Singh Samar, Inspector,
R/o 227-A, Pkt.-I, Mayur Vihar,
Phase-I, Delhi-110091 - Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

UOI & Ors. through

1. The Secretary,
Ministry of Personnel, Public Grievances
& Pension, North Block, New Delhi
2. The Director,
Central Bureau of Investigation,
CBI Headquarters, CGO Complex,
Lodhi Road, New Delhi
3. The Dy. Insp. General of Police,
Economic Offences-III,
5-B, 4th Floor, CBI Headquarters,
CGO Complex, Lodhi Road,
New Delhi - Respondents

(By Advocate: Shri Rajnish Prasad)



: ORDER (ORAL)**Justice L. Narasimha Reddy:**

The applicant was working as Inspector in the CBI. He was placed under suspension on 25.04.2006. Disciplinary proceedings were also initiated and through order dated 14.06.2013, he was dismissed from service. He filed OA No. 3457/2012, claiming certain reliefs as regards the period of suspension. It is stated that the OA was disposed of on 05.08.2013, directing the Appointing Authority (AA) to pass appropriate orders. In compliance with that, the order was passed on 07.11.2013, allowing full pay and other consequential benefits for the entire period of suspension till the date of dismissal from service, excluding the initial period of 90 days. The amount was also paid.

2. The applicant filed OA No. 322/2014, claiming that an official in the CBI is entitled to be paid salary for 13 months, whereas the respondents paid only salary for 12 months through the order dated 07.11.2013. The OA was disposed of on 30.01.2014 with certain directions. In WP(C) No. 4146/2014 filed by the respondents herein, the Hon'ble High Court directed the respondents to pass a speaking order within the stipulated time. Accordingly, an Office





Order dated 10.11.2014 was passed. It was mentioned that the applicant is not entitled to be paid 13 months' salary, in view of the instructions contained in letter dated 22.04.1994 issued by the DoPT and FR 54-B. The same is challenged in this OA.

3. We heard Shri MK Bhardwaj, learned counsel for the applicant and Shri Rajnish Prasad, learned counsel for the respondents.

4. It is rather surprising that the applicant was paid full salary for the period of suspension, though the disciplinary proceedings ended up in his dismissal from service. An innocuous observation of the Tribunal became stronger than a positive direction. That, however, is a matter of past.

5. It is no doubt true that the officials of the CBI are paid compensatory allowance for working on official holidays also subject to the maximum of 30 days' salary, which is popularly known as 13 months' salary. The occasion to pay that amount would arise only when the official had worked for any particular period. Admittedly, the applicant was not on duty between 2006 and 2013, and the question of payment of any compensatory allowance, i.e. 13 months'

salary, does not arise. The same is the case with the transport allowance. Even that becomes applicable in case the official was on duty.

6. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/

