

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1978/2001

This the 22nd day of April, 2002

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Kuldip Singh, member (J)

1. Shri Om Kumar
Constable,
S/o Dalip Singh
R/o A-56, Multan Nagar,
Delhi.
2. Shri Ishwar Singh
Head Constable
S/o Shri Yad Ram Yadav
R/o RZF 1/8, Mahabir Enclave,
Palam, New Delhi.
3. Shri Ranvir Singh
Assistant Sub Inspector,
C-139, Amar Colony,
East Gokulpur,
Shahdara,
Delhi-110094.

-Applicants

(By Advocate: Shri B.S. Mainee)

Versus

Union of India

Through

1. The Commissioner of Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.
2. The Additional Commissioner of Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.
3. The Dy. Commissioner of Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.

-Respondents

(By Advocate: Shri Ajay Gupta)

ORDER (Oral)

Hon'ble Shri Kuldip Singh, Member (J)

The applicants have filed this OA seeking the
following reliefs:-



"To direct the respondents to pay full back wages for the intervening period from 29.11.1995 to 26.6.1997 and also full back wages for the period the applicants remained in suspension from 21.3.1995 to 29.11.1995 because both these periods have already been decided period spent on duty".

2. The facts in brief are that the applicants had earlier filed OA No. 1279/98 with connected OAs 1333/98, 1334/98 which were decided by a common order on 2.11.2000. In the said OA the applicants had challenged the punishment orders which was imposed upon the applicants after departmental enquiry was held against them. The said OA was allowed with the following directions:-

"Having regard to the discussion made above, we cannot uphold the impugned orders against the applicants and accordingly OA succeeds. The impugned orders dated 29.11.1995, 30.6.1996 and 26.6.1997 are quashed. The respondents are directed to accord consequential benefits to the applicants within a period of two months from the date of receipt of a copy of this order. In the facts and circumstances of the case the parties shall bear their own costs".

3. In compliance of the said judgment, the respondents have passed order dated 2.3.2001 as contained in Annexure A-1. Though this Tribunal had directed ~~while~~ ^{vide} quashing the departments' orders that the applicants are also entitled to consequential benefits but the respondents seems to have added the words as "consequential benefits" "except back wages". We fail to understand as to how the authority passing

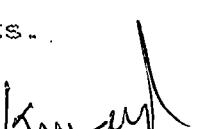
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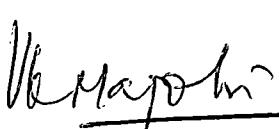
Min "Except back wages" to

this order ~~has~~ ^{has} added this suffix the words ~~back wages~~ with the order of compliance.

4. Learned counsel for the applicants also submits that in the said order exhibit Annexure A-1 the department itself has observed that the suspension period w.e.f. 29.11.1995 to 16.6.1997 and also from 21.3.95 to 29.11.95 has been decided to be period "spent on duty" for all intents and purposes except back wages. Again the authorities had added the word 'except back wages' of his own whereas the directions given in the earlier OA filed by the applicants, there was no indication that the consequential benefits as accorded to the applicants had excluded the back wages. The interpretation so adopted by the authorities who had passed the order (Annexure A-1) cannot be appreciated at all and the same has to be deprecated. Though learned counsel for respondents also submitted that CP against the applicant has been dismissed, we make it clear that the CP was filed only for contumacious disobedience of the order of the Tribunal, so the CP was dropped. Now the respondents are directed to release the back wages within a period of two months from the date of receipt of a copy of this order.

5. The OA is disposed of in the above terms. No costs.


(Kuldip Singh)
Member (J)


(V.K. Majotra)
Member (A)