

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 223/99New Delhi: this the 18th day of February, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri I. S. Khanna,
 S/o Sh. R. K. Khanna,
 R/o 142-B, LIG Rajouri Garden,
 New Delhi

..... Applicant.

(By Advocate: Smti Meera Chhibber)

Versus

1. Union of India,
 through
 Chief Secretary,
 Govt. of NCT of Delhi,
 5, Sham Nath Marg,
 Delhi.

2. Commissioner of Transport,
 Govt. of NCT of Delhi,
 5/9, Under Hill Road,
 Rajpur Road,
 Delhi.

3. Central Bureau of Investigation,
 through Dy. Supdt.
 CBI, ACB,
 New Delhi.

..... Respondents.

(By Advocate: Shri S. K. Gupta)

ORDERHON. MR. S. R. ADIGE, VC (A).

Applicant had filed this OA seeking quashing of the suspension order dated 22.12.95 and full pay and allowances with effect from that day. It had been prayed that respondents be directed to give effect to the review Committee recommendations held on 3.6.98 and they be directed to grant applicant arrears on account of enhanced subsistence allowance @ 75% w.e.f. April, 1996.

2. Admittedly respondents by order dated 28.9.99 (copy taken on record with respondents' addl. affidavit dated 4.10.99) have revoked applicant's suspension order dated 22.12.95 and have reinstated him without prejudice

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to the departmental proceedings under progress against him.

3. During hearing applicant's counsel besides pressing for arrears of enhanced subsistence allowance also averred that applicant had not been paid revised salary after his reinstatement. She also vehemently contended that applicant had been suspended malafidely at the instance of certain interested persons to blight his chances for promotion, ^{which was} ~~so~~ because not only was no case registered against him by CBI, but he had been made a PW in the cases registered against various other officials. Rulings relied upon by her in support of her assertions included JT 1999(10) SC 237 K.S. Reddy Vs. State of A.P. & another and 1973 (2) SLR 553 M.R. Das Vs. State of Orissa & Ors.

4. In so far as the treatment of suspension period and claim for enhanced subsistence allowance is concerned, this period will have to be regulated in accordance with FR 54 B(1). Respondents should pass a reasoned order in regard to the treatment of the suspension period in accordance with FR-54(B)(1) at the appropriate juncture.

5. In so far as applicant's claim for revised salary is concerned, respondents should pay applicant his legitimate dues consequent upon his reinstatement w.e.f. 28.9.99 within 2 months from the date of receipt of a copy of this order, if not already done.

6. In so far as the allegations of applicant being suspended on account of malafide are concerned, we note from respondents' order dated 28.9.99 revoking the suspension that departmental proceedings against applicant are being processed. If in the course of the same, it comes to light that applicant was indeed placed under suspension through

ulterior and malafide motive, we have no doubt that respondents will proceed against all those involved in accordance with law.

7. The OA is disposed of in terms of paras 4,5 and 6 above. No costs.

Kuldeep
(KULDIP SINGH)

MEMBER(J)

Arif Ali
(S. R. ADIGE)
VICE CHAIRMAN(A).

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