

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO. 2480/1999

New Delhi, this the 13th day of March, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

1. Shri Chand, S/o Bedaria Ram,
R/o H.No. C-52, Gali No. 7,
Brahmpuri, Delhi - 53 Applicant
(None for the applicant)

VERSUS

1. Govt. of NCT of Delhi,
Through the Lt. Governor of Delhi,
Raj Niwas, Delhi
2. The Chief Secretary,
Govt. of NCT of Delhi
5, Shyam Nath Marg, Delhi
3. The Principal Secy Services,
Govt. of NCT of Delhi
5, Shyam Nath Marg, Delhi
4. The Commissioner of Sales Tax,
Govt. of NCT of Delhi
I.T.O., New Delhi
5. The Director of Vigilance,
Govt. of NCT of Delhi
Old Sectt. Delhi
6. The Principal,
Delhi College of Engineering
.....
(By Shri Rajinder Pandita, Advocate)

RESPONDENTS

O R D E R (ORAL)

Shri Govindan S. Tampi, Member (A):

The applicant in this case has challenged the punishment awarded to him by order dated 19.9.1997 passed by Lt. Governor of Delhi reducing his pay by two stages in his time scale of pay for two years with cumulative effect. While imposing the aforesaid penalty, the period of suspension has been treated to be as period not spent on duty.

10

2. The applicant was not present when the case was called, either in person or through any advocate. Shri Rajinder Pandita appeared for the respondents. The application is, in the circumstances being disposed, in terms of Rule 16 of Central Administrative Tribunal (Procedure) Rules, on merits.

3. The applicant contends that by the impugned order multiple penalties have been imposed on him. In our view, the direction for treating the period of suspension as not spent on duty cannot be termed as an independent penalty so as to term it as a double penalty. Direction in regard to treating the suspension period as not spent on duty is only a consequential order. This cannot be treated as an additional penalty imposed on the applicant. This grievance of the applicant has no basis and is, therefore, rejected.

4. The second grievance made is that during the period of suspension he was only granted subsistence allowance @ 50% for a long period and despite representations in the matter the subsistence allowance was not raised to 75% as required. In this connection, we observe that proceedings No. 7.4 (63)/90-V/CST/812 dated 28.9.1999 issued by the Commissioner of Sales Tax, on regularisation of the period of suspension has taken all relevant matters under consideration and indicated that competent authority has ordered that the pay and allowances to be paid to the officer concerned for the period of suspension, ending with reinstatement, the

(3)

amount already paid by way of subsistence allowance are sufficient and no further payment is to be made for the period. We find that this represents correct position in law and cannot be assailed.

5. In the above view of the matter, we find that the applicant has not made out any case for our interference. The application fails and is accordingly dismissed. No costs.

(pk)

(GOVINDAN S. TAMPI)
MEMBER (A)

(ASHOK AGARWAL)
CHAIRMAN