

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA No. 337/94 in

DA No. 855/94

New Delhi, this the 11th day of October, 1994

Hon'ble Shri J.P. Sharma, Member(J)

Sh. Madan Lal II
S/o Sh. Ganga Ram
R/o F-25/28
Sector 3, Rohini
Delhi

... Applicant

(BY Advocate : Sh. Mahesh Srivastava)

Vs.

1. Union of India through
Secretary, Ministry of Agriculture
Department of Food & Agriculture
Krishi Bhawan, New Delhi
2. Delhi Milk Scheme through
General Manager
West Patel Nagar
New Delhi

... Respondents

(BY Advocate : Sh. Madhav Panikar)

ORDER

Hon'ble Shri J.P. Sharma

The review applicant has sought review of the judgement dated 19th September, 1994 dismissing the Original Application where the applicant has prayed that the period of suspension from 11.10.80 to 11.8.88 be directed to be treated as period spent on duty with full pay and allowances and the salary of the applicant be fixed as per the recommendations of the Fourth Pay Commission and the applicant be paid arrears.

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2. The matter of the applicant has been considered on the basis of extant law. Even after the acquittal from the Criminal Court, the respondents are not barred from initiating departmental proceedings against the applicant. The respondents in their reply have clearly stated that the orders have been passed for initiating departmental proceedings against the applicant. The Hon'ble Supreme Court has considered the matter of payment of full pay and allowances for the suspension period, the suspension being because of a criminal case, in the case of Depot Manager of Andhra Pradesh State Road Transport Corporation, Anumagunda Vs. V. Venkateshwarulu (1994) 27 ATC P.4348. It has been held that on account of acquittal from the criminal case an employee is not automatically entitled to full salary for the period of suspension. The same view has been taken in the case of Management of RBI, New Delhi Vs. Bhupal Singh Ramchal reported in 1994 (1) SCC page 341. In the case of the applicant the respondents have clearly observed that a specific order will be passed under FR 54.B after the conclusion of departmental enquiry contemplated against the applicant. Merely because the charge-sheet has not yet been served will not by itself entitle the applicant for treating of this period as spent on duty. All these points have been fully considered in the judgement under review except in the body of the judgement, there are some typographical mistake in page 2 of para 1 in the last

fifth and sixth line of the judgement where the dates have been wrongly typed as 21.10.88 to 11.10.88 which has been corrected to 11.10.80 to 11.8.88. There is no error apparent on the face of the order. The review applicant has also moved MA 3469/94 that the RA be heard. But when there is no error apparent on the face of the judgement and all the contentions raised by the applicant has been duly considered in the light of the extant law, there is no case for hearing the RA in open court.

3. The RA is devoid of merit and is dismissed by circulation.

J. P. Sharma
(J.P. Sharma)
Member(J)

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