

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH.

O.A. NO. 1412/95

New Delhi this the 27th day of February, 1996.

Hon'ble Mr. Justice P.K. Shyamsundar, Acting Chairman
Hon'ble Mr. K. Muthukumar, Member(A).

Bharat Singh,
S/o late Shri Dalip Singh,
R/o 19/983, Lodi Road,
New Delhi.

...Applicant.

By Advocate Shri R.K. Shukla.

Versus

Chief Secretary,
Govt. of NCTD,
5, Shamnath Marg,
New Delhi.

...Respondent.

By Advocate Shri Arun Bhardwaj.

ORDER (ORAL)

Hon'ble Mr. Justice P.K. Shyamsundar.

Admit. The grievance of the applicant is that the period of suspension which appears to be quite long in his case extending from 5.1.1989 to 21.7.1994 has since been revoked. *hence* Nonetheless, the department is yet to pass an order in a manner under which the period of suspension has to be considered and dealt with. It is surprising as to why this simple issue could not be sorted out by the administration itself since it is covered by FR 54-B(1) read with FR 54-B(6). They read as follows:

"FR 54-B.

(1) When a Government servant who has been suspended is reinstated (or would have been so reinstated but for his retirement (including premature retirement) while under suspension, the authority competent to order reinstatement shall consider and make a specific order

- (a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with the reinstatement or the date of his retirement (including premature retirement), as the case may be; and
- (b) whether or not the said period shall be treated as a period spent on duty.

(6) Where suspension is revoked pending finalisation of the disciplinary or the court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be".

2. This is a case where suspension was revoked pending finalisation of the departmental inquiry. Hence, Government was under obligation to review the order of suspension passed under sub-rule (1) of FR 54-B when it was revoked in the year 1994. The law has ~~only~~ ^{two} avenues. The department has only to comply ~~with~~ and pass an order. On behalf of the department, it is mentioned that the question of regularisation of the period of suspension is being considered and it depends on the pros and cons of the case. The

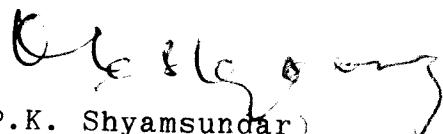
respondents in para 4(g) of their counter reply have stated as follows:

"In reply to para 4(g) of the O.A., it is submitted that the competent authority has yet to pass an order in regard to the release of pay and allowances in regard to the treatment of period of suspension. This has to be done keeping in view the pros and cons of the case".

This litigation could have been avoided had the department passed the order well in time. Be that as it may, we now make an order directing the department to consider and make an order in terms of the rules, referred to supra and they are given one month's time for this purpose from the date of receipt of a copy of this order by the department.

3. With this direction, this application stands disposed off finally. No costs.


(K. Muthukumar)
Member(A)


(P.K. Shyamsundar)
Acting Chairman

'SRD'