

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1207 of 1996

New Delhi, dated the 25th September, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Ex. Const. Shri V.Jayapalan,
No.179/Sec.
J-2/9B DDA Flats, Kalkaji,
New Delhi. APPLICANT

(By Advocate: Shri Jaswant Singh)

VERSUS

1. Union of India
through the Secretary,
Ministry of Home Affairs,
New Delhi.
2. Commissioner of Police,
Police Headquarters,
I.P. Estate,
New Delhi.
3. Govt. of NCT of Delhi,
through the Chief Secretary,
5, Sham Nath Marg,
Delhi. RESPONDENTS

(By Advocate: Shri Ajesh Luthra proxy
counsel for Ms.J. Kaushik)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Shri Jaswant Singh for
the applicant and Shri Ajesh Luthra, proxy
counsel for Ms. Jyotsna Kaushik for the
respondents.

2. The prayer in the O.A. is for/ quashing
of impugned order dated 8.1.88 dismissing the
applicant from service; and (ii) for
reinstatement in service retrospectively with
full benefits of back wages, continuity in
service, promotions and all other consequential
benefits flowing to other colleagues of the
applicant.

3. Shri Luthra has shown to us a copy of
the respondents' order dated 26-7-96 whereby

(5)

the applicant has been reinstated with immediate effect pending decision about the departmental action against him and further stating that the decision about the intervening period from the date of dismissal to the date of joining duty will be decided later on. In the mean time applicant's counsel has stated that the applicant has joined duty on 13.8.96.

4. Under the circumstances, the prayer for quashing of impugned order dated 8.1.88 dismissing the applicant from service does not survive. In so far as the question of treatment of intervening period as also the consequential benefits flowing there from are concerned, Respondents' counsel states that the applicant is being dealt with departmentally and a decision on treatment of the intervening period can be taken only after the conclusion of the Departmental Proceedings against him. In this connection he invites attention to respondents' reply which is taken on record. On the other hand the applicant's counsel contends that such a course would be contrary to law.

5. If it is the case of the respondents that consequent to the applicant's reinstatement they will be in a position to determine how the intervening period is to be treated, only after the conclusion of the departmental proceedings against the applicant, they should state so through a

(b)

speaking and reasoned order under intimation to the applicant within one month from the date of receipt of a copy of the judgment, and in the event that any grievance subsists in respect of such order which forms a separate cause of action, it will be open to the applicant to agitate the same through appropriate original proceedings in accordance with law if so advised.

6. The applicant's counsel contends that although the applicant has rejoined duty on 13.8.96 he has not been paid his salary for the period of August, 1996. This salary component should be realsed to the applicant forthwith.

7. This O.A. is disposed of accordingly.
No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)
/GK/

S. R. Adige
(S. R. Adige)
Member (A)