

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

1). O.A.No. 1376 of 1996

Shri Amrit Lal Tyagi,
S/o Shri Ram Gopal Tyagi,
Working as Asstt. Postmaster (SB) in Delhi G.P.O.,
R/o village Ghasoli Distt. Sonipat Applicant.

Versus

1. Union of India through
the Secretary,
Ministry of Communications,
Dept. of Posts,
Dak Bhawan,
New Delhi- 110001

2. The Chief Postmaster,
Delhi GPO,
Kashmiri Gate ,
Delhi- 110006

.... Respondents.

2) O.A.No. 1239/96

Shri Roshan Lal Bhardwaj,
S/o Shri Roop Chand Bhardwaj,
working as Sub-Postmaster Pooth Kalan,
P.O. Resettlement Colony,
Delhi 41, under Delhi North Postal Division,
R/o Nangloi , Delhi.

..... applicant.

Versus

1. Union of India through
the Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhawan,
New Delhi - 110001.

2. The Senior Supdt. of Post Offices,
Delhi North Postal Division,
Civil Lines,
Delhi - 110054

.... Respondents.

By Advocate: Shri Sant Lal for the applicants.
Shri M.M. Sudan for the respondents.

HON'BLE M.R.S.R. ADIGE MEMBER(A).

HON'BLE DR.A.VEDAVALLI MEMBER(J).

New Delhi: Dated this the 21st May, 1997.

(9)

JUDGMENT

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

As these two OAs involve common questions of law and fact, they are being disposed of by this common order.

2. Applicants in the two OAs seek a direction to respondents to treat the period of suspension from 15.6.89 to 31.5.90 as period spent on duty for all purposes with full pay and allowances, and consequential benefits.

3. Admittedly, applicants in both OAs were suspended with immediate effect vide order dated 15.6.89 (Annexure -A1) on the ground that departmental proceedings were contemplated. Thereafter by order dated 31.5.90 (Annexure- A2) the suspension was revoked and applicants in both OAs rejoined duty on 1.6.90. Applicants in both OAs contend that no order has been made under FR 54-B(1) by respondents although nearly 7 years have elapsed since the applicants rejoined duty and no charge sheet has been served or departmental proceedings initiated against them .

4. Respondents in reply do not deny that charge sheet on the applicants in both OAs is yet to be issued. In reply they state that charge sheet is being issued and the manner in which the suspension period is to be treated under FR 54B will be decided after the departmental proceedings are concluded.

5. Applicants' counsel has relied upon two rulings viz. Girdhari Lal Vs. Delhi Administration & Ors (1993) 25 ATC 321 and N.C. Das Vs. UOI & Ors 1990 (1) ATJ 270 in support of his contention that upon reinstatement after revocation of suspension

there is a mandatory duty cast on competent authority under FR 548 (1) to make a specific order regarding payment of pay and allowances to the Govt. servant, which may subsequently be reviewed by the competent authority after conclusion of the disciplinary proceedings under FR 548 (6).. In both those OAs respondents were directed to release the pay and allowances to those applicants for the suspension period. Shri Sudan has not been able to furnish any material to indicate that those two judgments have not become final. In the present case, the matter is compounded by the fact that despite the passage of nearly 7 years since the suspension was revoked, the disciplinary proceedings against applicants in the two OAs have not even commenced.

6. In view of the great delay caused in this case for which no satisfactory explanation is forthcoming, in the interest of justice respondents are directed to release ^{both} applicants pay and allowances for the suspension period within two months from the date of receipt of a copy of this order, subject to review of the same upon conclusion of the DE contemplated against them in accordance with FR 548(6). No costs.

7. Let a copy of this judgment be placed on the file of OA No. 1239/96 also.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER(J).

S. R. Adige
(S. R. ADIGE)
MEMBER(A).