

2

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1109 of 1997

New Delhi, dated the 13th May, 1997

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE MR. S.R. ADIGE, MEMBER (A)

Shri Surinder Kumar Sharma,
S/o Shri Siri Ram,
R/o Type II Qr. No. 7, HMD Colony,
P.O. Jhilmil,
Delhi-110095. ... APPLICANT

By Advocate: Shri R.P. Aggarwal

VERSUS

1. The Lt. Governor
through the Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi.
2. The Secretary (Services),
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi.
3. The Director,
Institute of Human Behaviour & Allied
Sciences,
Shahdara,
Delhi-110095. RESPONDENTS

ORDER (Oral)

BY HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN

Heard. the ld. counsel for the
applicant.

2. By this petition the applicant wants
a direction to the Respondents to pay him
full pay and allowances for the period he
remained under suspension. Ld. counsel
contends that as indicated in the letter
dated 16.1.97 (Ann. A-8) of the Anti
Corruption Branch, Govt. of NCT of Delhi,

/ GR /

3

the applicant's case is not under investigation in the Anti Corruption Branch and therefore applicant be paid his full pay and allowances for the period of suspension.

3. FR 54-B(1) provides

" When a Govt. 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 Govt. servant for the period of suspension ending with 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."

4. Ld. counsel for the applicant contends that the applicant's case is not under investigation in the Anti Corruption Branch under FR 54-B(1). We are of the view that the applicant in the first instance should approach the Respondents with request that appropriate orders under FR 54-B(1) be passed. Thereafter the Respondents shall dispose of the same expeditiously within a period one month from the date of receipt of such representation.

5. Subject to the observation above, this O.A. is summarily rejected. No costs.

JK
(K.M. AGARWAL)
Chairman

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