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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 384/97

New Delhi: this the 25 day of November, 1997

HON'BLE M.R.S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

R. D. Kathuria,
I.D. (Retd),
G.H/14/265, Paschim Vihar,
Delhi - 87

.....Applicant.

(By Advocate: Shri R.K. Singh)

Versus

1. Union of India through
the Secretary,
Govt. of India,
Ministry of Finance,
North Block,
New Delhi.

2. The Chief Commissioner of Income Tax,
(Administration)
Central Revenue Building,
I.P. Estate,
New Delhi -110 002

..... Respondents.

(By Advocate: Shri V.P.Uppal)

JUDGMENT

BY HON'BLE M.R.S.R. ADIGE, VICE CHAIRMAN (A).

Applicant seeks payment of interest on
alleged delay in release of (i) his pay and
allowances for suspension period; (ii) his leave
encashment and (iii) his gratuity.

2. Applicant was suspended w.e.f. 6.4.87 on
account of being detained in judicial custody
for over 48 hours in accordance with Rule 10(2)

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(a) CCS(CCA) Rules, Thereafter a criminal case was filed against him under sec. 304 B IPC, in which he was eventually acquitted on 28.5.93. Meanwhile as he superannuated on 31.1.90, respondents revoked his suspension with effect from that date vide their order dated 17.9.91. Eventually by orders dated 8.7.93 passed under FR 54-B they treated the suspension period from 6.4.87 to 31.1.90 as period spent on duty.

3. It is not denied that aforesaid dues were released to applicant on 12.8.93 of the receipt of the acquittal order dated 28.5.93.

4. Under Rules, respondents therefore rightly awaited the outcome of the criminal prosecution against applicant and after receiving intimation of his acquittal, there was no delay in releasing the aforesaid dues. The Tribunal's order dated 8.12.89 does not advance applicant's case for payment of the interest claimed.

5. The OA is dismissed. No costs.

Lakshmi Smethi
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN(A).

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