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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 688/1997

New Delhi: this the 28th day of February, 2001

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

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

Harnam Singh,
S/o Late Shri Inder Singh,
R/o M-31, Saket,
New Delhi: 17

....Applicant.

(By Advocate: Shri S. S. Tewari)

Versus

1. Union of India
through
Secretary to the
Govt. of India,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-1

2. Director General,
Advertising and Visual Publicity,
Govt. of India,
Ministry of Information & Broadcasting,
PTI Building, Sansad Marg,
New Delhi-1

3. Chief Controller of Accounts,
Ministry of Information & Broadcasting,
Tropical Building, 'H' Block,
Connaught Circus,
New Delhi-1

.....Respondents.

(By Advocate: Shri S. M. Arif)

ORDER

S. R. Adige, VC (A):

Applicant impugns respondents' order dated 8.7.96 (Annexure-A-1) and dated 6.1.97 (Annexure-A-2) and seeks treatment of the period from 16.10.85 to 31.10.86 during which he was under suspension as period spent on duty with consequential benefits.

2. Applicant was arrested by CB I on 4.10.85 on the allegation of accepting bribe from a Newspaper editor as consideration for showing favour for giving advertisement for publication in that newspaper. He was suspended on 16.10.85.

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3. In OA No. 2310/89 filed earlier by applicant which was disposed of by order dated 29.9.95 it was held that applicant who was suspended on 16.10.85 was permitted to retire w.e.f. 1.11.86 upon attaining the age of superannuation on 31.10.86 and thereby respondents by implication had revoked the suspension and reinstated him on the post from which he had been suspended before such retirement i.e. on the last day of his service viz. 31.10.86.

4. Respondents were directed to pass appropriate orders under FR 54 B to determine how the period of suspension would be treated.

5. Respondents passed the aforesaid impugned orders which are the subject matter of the present OA.

6. Respondents contend that applicant was discharged by the Special Judge in the criminal case against him on the technical ground of delay in sanction for prosecution and as it was not exoneration on the merits of the case, it cannot be held that applicant's suspension was wholly unjustified with the meaning of FR 54 B(3) for him to be entitled to full pay and allowances during the aforesaid period.

7. However, applicant's counsel Shri Tiwari has invited our attention to the Hon'ble Supreme Court's ruling dated 22.11.95 in State of Punjab & Ors. Vs. S.N. Singla & Ors. SCSLJ 1996(1) page 92 (copy taken on record) wherein under similar circumstances, the first respondent who was discharged by the criminal court for want of proper sanction and was reinstated in service was held to be entitled to full pay and allowances for the period during which he was kept under suspension.

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8. In the light of the aforesaid ruling in Singla's case (supra), the OA succeeds and is allowed. The impugned orders are quashed and set aside. Applicant shall be entitled to full pay and allowances for the suspension period from 16.10.85 to 31.10.86 with consequential benefits. These directions should be implemented within 3 months from the date of receipt of a copy of this order. No costs.

A. V. Veda Valli

(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige

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

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