

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 130/89
T.A. No.

198

DATE OF DECISION 31-7-1991

(6)

Shri H.E.L. Murishwar Applicant (s)

Shri D.K. Kapur/Mrs. F.M. Kapur Advocate for the Applicant (s)

Versus

U.O.I. & Ors. Respondent (s)

Mrs. Raj Km. Chopra. Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. ~~J~~ U.C. Srivastava Vice Chairman

The Hon'ble Mr. I.P. Gupta, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

(of the Bench delivered by Hon'ble Member
Shri I.P. Gupta)

The petitioner joined the Military Lands and Cantonments Services, Ministry of Defence, Government of India, as a Lower Division Clerk on 29.5.54. Prior to this in 1943 he had also served under the Ministry of Defence, Indian Medical Services (Purchase Branch). Due to cessation of world war II, there was reduction in staff and services of the petitioner had suffered a break in service. He was appointed as L.D.C. in lieu of Combatants Clerk from

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14.8.53. His services between the period 1.5.54
28 days suffered a
to 29.5.54 i.e. for / break due to termination
resulting from reduction of the staff on arrival
of combatant clerks.

Petitioner has sought the relief for
condonation of this break of service for 28
days. In accordance with the Government of
India, Ministry of Defence letter No.12(9)58/1945
(D/Civ-II) dated 24th Feb.60 condonation of
service upto the maximum of 30 days by the
competant authority is permissible. Therefore,
the appropriate authority should consider
condoning the break of the applicant's service
in terms of the aforesaid ~~Judgement~~ ^{order} and give
him the benefit of service from 14.8.53 as admissible
after condonation of the break.

The relief sought for counting the
service between 3.1.43 to February 1946 cannot
be given since there was a break in service
for more than 3 years.

The applicant was suspended and dismissed
in the course of his service but subsequently
his orders for suspension and dismissal were
considered bad in Law and quashed by Supreme
Court. Consequently benefit due to quashing

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of the order should naturally flow to the applicant, because the effect of quashing would be as if the impugned order had not existed.

With the aforesaid observation, the application is disposed of. However, there shall be no order as to costs.

I.P. Gupta

(I.P. GUPTA)
MEMBER

U.C. Srivastav

(U.C. SRIVASTAV)
VICE CHAIRMAN