

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 130/89 198
T.A. No.

DATE OF DECISION 31-7-1991

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. Advocat for the Respondent (s)

CORAM :

The Hon'ble Mr. ~~Jus~~ 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 to 29.5.54 i.e. for 28 days suffered a 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 competent authority is permissible. Therefore, the appropriate authority should consider condoning the break of the applicant's service in terms of the aforesaid ^{order} ~~judgement~~ 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)
MEMBER



(U.C. SRIVASTAV)
VICE CHAIRMAN