

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No DA-317/89 with
MP- 2293/92

Date of decision: 6.11.92

Shri M.J. Arjunan Applicant

Versus

Union of India and Ors. Respondents

For the Applicant In person

For the Respondents Smt. Raj Kumari Chopra,
Advocate

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed
to see the Judgment? *yes*

2. To be referred to the Reporters or not? *No*

JUDGMENT
(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

We have gone through the records of the case and
have heard the learned counsel for the respondents and
the applicant in person. During the hearing, both sides
agreed that the matter is fully covered by the judgement
dated 28.1.1992 in OA-367/90 (B. Lingan and 4 Others Vs.
Union of India and Others) delivered by the Madras Bench
of the Tribunal, copy of which has been annexed to

MP-2293/92 filed by the applicant. The prayer contained in the M.P. is that OA-317/89 be disposed of on the lines of the aforesaid judgement as the applicant is also similarly situated. The learned counsel for the respondents has no objection to the prayer made by him.

2. The respondents had passed the impugned orders dated 3.9.1987 and 5.5.1988 regarding the regularisation of the period of suspension and the period of absence of the applicants before the Madras Bench as well as the applicant in the instant case. These impugned orders have been set aside by the Madras Bench of the Tribunal in the aforesaid judgement and further directions have been issued to both parties in para 21 of the judgement.

3. Following the ratio in the aforesaid judgement, OA-317/89 is disposed of with the following orders:-

- (1) The impugned orders dated 3.9.1987 and 5.5.1988 are set aside and quashed.
- (2) The period of suspension of the applicant from 6.6.1981 to 6.2.1984 shall be treated as duty for all purposes including full pay and allowances and the applicant shall be entitled to all the consequential benefits accordingly. The respondents shall pass an order to this effect expeditiously and preferably within a period of one month from the date of receipt of this order.

(B)

(3) The monetary benefits arising out of the direction in (2) above shall be paid by the respondents to the applicant expeditiously and preferably within a period of three months from the date of receipt of this order.

(4) The period of absence of the applicant from the date of expiry of his joining time to the date of reporting at the factory to which he was transferred, shall be treated as duty for all purposes, except that he shall not be entitled for payment of wages beyond what had been already paid to him by virtue of the Supreme Court orders dated 1.5.1984 and 23.7.1984. The respondents shall issue an order to this effect expeditiously and preferably within one month from the date of receipt of this order. He shall also be entitled to all other consequential benefits accordingly.

(5) There will be no order as to costs.

(6) MP-2293/92 is allowed.

B.N. Dhadial
(B.N. Dhadial)
Administrative Member/6/11/82

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6/11/82
(P.K. Kartha)
Vice-Chairman (Judl.)