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In the Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.358/89

Date of decision: 30.07.92.

Shri Inderjeet Singh

...Applicant

Versus

Delhi Administration & Another ...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the applicant

Shri Ashok Aggarwal,  
Counsel.

For the respondents

Mrs. Avnish Ahlawat,  
proxy counsel for Shri M.C.

Garg, Counsel.

Judgement (Oral)

(Mr. Justice V.S. Malimath, Chairman)

The applicant was kept under suspension pending an criminal trial in which he was/accused. The case ultimately stood compounded, which brought out the legal effect of acquittal. Thereupon the impugned order came to be made by the Deputy Commissioner of Police as per Annexure 'C' to the effect that the period of suspension from 12.03.1985 to 15.1.1987, the date of reinstatement shall not be treated as spent on duty. This order has since been confirmed by the Additional Commissioner of Police by order dated 21.12.1987 (Annexure 'A'). It is these orders dated 21.12.87 and 24.3.1987 (Annexures 'A' & 'C' respectively) that are impugned in this case. We are inclined to take the view that the applicant was show entitled to /cause, before an adverse order came to be made, affecting his rights and privileges in the matter of receiving the pay during the period of suspension from 12.3.1985 to 15.1.1987. As such an opportunity has not been accorded to the applicant the impugned orders are liable to be quashed on this short ground. Accordingly

the impugned orders dated 24.3.1987 (Annexure 'C') and 21.12.1987 (Annexure 'A') are quashed and the respondents are directed to pass a fresh order in regard to the manner in which the period of suspension should be treated and in regard to the payment of pay and allowances for the said period after giving show cause notice to the applicant in the matter with utmost expedition but preferably within a period of three months from the date of receipt of a copy of this judgement. No costs.

*Shri Rasgotra*  
(I.K. Rasgotra)  
Member (A)

*Malimath*  
(V.S. Malimath)  
Chairman

July 30, 1992.

skk