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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 531  
~~T.A. No.~~

1986

DATE OF DECISION 7.1.87

Sh. Ram Singh

Petitioner

S/Sh N.D. Batra & K.L. Bhandola

Advocate for the Petitioner(s)

Versus

Lt. Governor of Delhi & Others

Respondent

Sh. M.M. Sudan

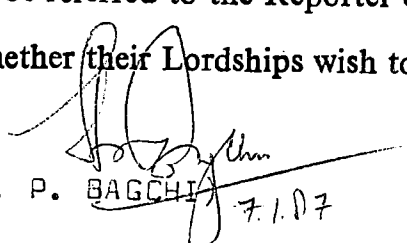
Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S. P. MUKERJI, ADMINISTRATIVE MEMBER

The Hon'ble Mr. H. P. BAGCHI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? No

  
(H. P. BAGCHI)

7.1.87

  
(S.P. MUKERJI)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

OA No.531/88

DATE OF DECISION: 7.1.87

Sh. Ram Singh

. . Applicant

Vs.

Lt. Governor of Delhi  
& Others

. . Respondent

S/Sh. N.D.Batra &  
K.L.Bhatia

. . Counsel for Applicant

Sh. M.M.Sudan

. . Counsel for Respondent

CORAM :

The Hon'ble Mr. S. P. Mukerji, Administrative Member

The Hon'ble Mr. H. P. Bagchi, Judicial Member

(Judgment delivered by Sh.S.P. Mukerji,  
Administrative Member)

ORDER

The applicant who is Post Graduate Teacher (Geography) under the Directorate of Education, Delhi Administration has moved the Tribunal under section 19 of the Administrative Tribunals Act through his Application dated 14.7.86 praying that he should be paid salary between 1.10.84 and 31.1.85 and from 18.11.85 to 14.1.86 and the two disciplinary proceedings pending against him should be quashed. The material facts can be summarised as follows. The applicant while working as Teacher in the Govt. Boys Senior Secondary School, Janakpuri was transferred on 24.9.84 to Najafgarh School and a substitute was posted in his

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place. It is alledged that he did not join the Najafgarh School but on 31.1.85 the respondents issued orders transferring him back to Janakpuri. The applicant marked his attendance in the Janakpuri school from 31.1.85 onwards. He tookover symbolically at Najafgarh on 26.2.85 and rejoined ~~in~~ the Janakpuri school on 27.2.85. He was not paid salary for the period between 1.10.84 and 31.1.85 as it is alleged that he has not been working or marking his attendance in any of the aforesaid two schools and was unauthorisedly absent from duty. The respondents however, were good enough in not only posting him back to Janakpuri School on 31.1.85 but also directed that the period of alleged absence i.e. 1.10.84 to 31.1.85 should be treated as on leave. Since the applicant did not apply for leave, this could not be regularised in that manner and has become a matter of relief which the applicant has sought in the instant application. It also transpires that the petitioner was charge-sheeted for <sup>the</sup> ~~his~~ disobedience of his transfer order and a charge-sheet was served on 21.1.85. However, he was suspended on 18.11.85 on the ground of another alleged lapse on his part and he was <sup>again</sup> charge-sheeted and another enquiry was initiated against him. He was however reinstated pending the second enquiry on 15.1.86. <sup>The</sup> ~~A~~ second chargesheet was served on him after he was reinstated on 15.1.86.

2. The whole upshot on the date of the instant application was that the applicant had been served with two chargesheets and two disciplinary proceedings

were under way. One related to his absence from duty after the order of transfer on 24.9.84 and the second related to non handing-over the charge of N.C.C. and misappropriation of funds etc.

3. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. Learned counsel for the petitioner is satisfied now that the enquiry proceedings in both the chargesheets have commenced. The ~~original~~ principal relief <sup>sought by</sup> ~~grievance of~~ the applicant that the enquiry proceedings should be quashed because they had not been proceeded with does not subsist. As regards the payment of salary between 1.10.84 and 31.1.85, since the respondents have already issued the instructions that this period should be regularised as on leave and the applicant has yet to apply for leave, the respondents could not regularise this period. The applicant's plea that he should be paid full salary during this period cannot be decided at this stage when the question whether this period was a period of wilful absence or not continued to be a matter of enquiry under the first charge sheet. It will be, therefore, too premature on our part to adjudicate upon this point.

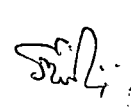
4. As regards non payment of salary during the period of suspension between 18.11.85 and 15.1.86 the provisions of FR 54-B makes it obligatory on the part of the disciplinary authority <sup>while revoking</sup> ~~to revoke~~ the order of suspension ~~and~~ to make a specific orders (a) regarding the pay

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and allowances to be paid to the Government servant for the period of suspension ending with reinstatement; and (b) whether or not the said period shall be treated as period spent on duty; that authority is however at liberty to review this order under FR 54-B(6) after the disciplinary proceedings are completed. Therefore there is no reason why the respondents should not pass a specific order even at this stage regarding how the period of suspension should be treated and what pay and allowances should be paid to him.

5. In the facts and circumstances discussed above we allow the petition only to the extent of directing the respondents to pass a specific and appropriate orders as contemplated in Clause (1) of FR 54-B regarding the period of suspension between 18.11.85 and 15.1.86. We direct that this order may be passed within a period of next two months. We also direct that the enquiry and proceedings should be expedited as far as possible and should be completed within the next three months. The applicant will be at liberty to approach this Tribunal or any other forum for any relief that he may seek, if so advised in accordance with law, after the disciplinary proceedings are completed. The application is disposed of on the above lines. There will be no order as to costs.

  
(H. P. BAGCHI)  
JUDICIAL MEMBER 7.1.87

 7.1.87.  
(S.P. MUKERJI)  
ADMINISTRATIVE MEMBER