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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No.                      132                      198 6  
~~Tax No.~~

DATE OF DECISION 29.4.1986

Shri Narain Dutt Datta                      Petitioner

Petitioner in person                      Advocate for the Petitioner(s)

Versus

Union of India                      Respondent

Sbri K.N.R. Pillai                      Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.        S.P. MUKERJI, 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*

JUDGMENT

The petitioner has come up against the  
order of the Northern Railway authorities dated  
13.10.1985 deciding that the period of suspension

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5-4

of the petitioner from 24.1.1985 to 14.3.1985 should be considered as leave. The brief facts of the case are as follows:-

2. On 24.1.1985, the petitioner was placed under suspension with immediate effect without any reason being assigned in the order of suspension. On 15.3.1985, the authorities without assigning any reason revoked the order of suspension. There was no charge-sheet ~~or~~ and no punishment imposed on the petitioner. The petitioner represented for regularisation of the period of suspension indicating that he has been duly attending his office during the period of suspension. The representation was rejected on 15.11.1985. According to the respondents, the applicant was placed under suspension when disciplinary proceedings were contemplated against him for making representation direct to the Railway Minister. The applicant later tendered an apology and the proposal to institute the disciplinary proceedings were dropped and the suspension was revoked. On revocation of suspension the competent authority passed an order that the period of suspension should be treated as leave due. The applicant's <sup>by representation</sup> rejection against this decision was rejected. The leave salary was not accepted by the applicant.

3. We have heard the arguments of the

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6

petitioner and learned counsel for respondents and gone through the documents. Since there was no charge-sheet, no inquiry and no disciplinary proceedings initiated or intended to be initiated, we are fully convinced that the case squarely falls within the purview of sub-section <sup>rule</sup> 2 of F.R.54(B) and corresponding sub-rule 2 of Rule 2044(B) of Establishment Manual Volume II. We feel that granting of leave is not contemplated under the sub-rule especially when the consideration of period of suspension <sup>as</sup> and leave will cause financial injury to the petitioner. In the above circumstances we feel that the suspension was wholly unjustified and as per sub-rule 2 of Rule 54(B) mentioned above the period of suspension has to be treated as on duty for all purposes and the petitioner is entitled to all pay and allowances as if he has been on duty during the period of suspension. The application is accordingly allowed on these lines. In the circumstances there will be no order as to costs. The petitioner should be paid pay and allowances to which he is entitled during the period of suspension within one month.

  
(H.P. BAGCHI)

  
(S.P. MUKERJI)

24.01.65 - Decd.