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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

C.C.P. NO. 390/93 in  
O.A. NO. 427/87

New Delhi this the 12th day of January, 1994.

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN  
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

S. P. Jain S/O Shri M. S. Jain,  
R/O Flat No. 185,  
Siddharth Extension,  
New Delhi.

... Petitioner

By Advocate Ms. Mukta Gupta for Mrs. Avnish Ahlawat

Versus

1. Union of India through  
Shri Raj Bhargva,  
Secretary, Ministry of  
Information & Broadcasting,  
Shastri Bhawan,  
New Delhi - 110001.
2. Shri Shashi Kant Kapoor,  
Director General,  
All India Radio;  
Akashvani Bhawan,  
Sansad Marg,  
New Delhi - 110001.
3. Shri P. M. Iyer,  
Director,  
External Services Division,  
All India Radio,  
Broadcasting House,  
Sansad Marg,  
New Delhi - 110001.

... Respondents

By Advocate Ms. Pratima for Shri K. C. Mittal

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath --

It is not possible to agree with the contention of the petitioner that if the disciplinary inquiry was not completed before 31.10.1992, that the respondents were precluded from concluding the inquiry. The only consequence of not concluding the inquiry before

31.10.1992 was that the order of suspension would stand terminated and the petitioner would become entitled to be reinstated. As the disciplinary inquiry was not completed within time, the petitioner has been reinstated.

2. The second complaint is that the pay that is now being given to the petitioner is at the same rate at which he was being paid while under suspension. This, according to the petitioner, is in violation of the order of the Tribunal.

3. It is now brought to our notice that the inquiry was concluded and a penalty of withholding two increments has been imposed. In that view of the matter, the authorities had to determine as to how the period of suspension should be treated. For that purpose, they had issued a notice and after considering the cause shown by the petitioner, an order has been passed to the effect that the period of suspension shall not be treated as on duty. If the same period cannot be treated as on duty, the question of the petitioner claiming the benefit of increments during the period of suspension does not arise. Hence, it is not possible to take action under the Contempt of Courts Act. This does not mean that the petitioner cannot question the correctness or the legality of the orders made treating the period of

suspension as such, depriving him of the benefit of increments during that period. It is open to the petitioner to workout his right in accordance with law by way of appeal or revision or further by approaching the Tribunal in appropriate proceedings, if so advised. Without prejudice to that right of the petitioner, these proceedings are dropped.

*Adige*  
( S. R. Adige )

Member (A)

*Malimath*  
( V. S. Malimath )

Chairman

/as/