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In the Central Administrative Tribunal
Principal Bench: New Delhi

RA No.145/92 in
OA 1482/87

Date of Order: 5.3.1993.

Union of India

...Petitioners

Versus

Shri S.C. Srivastava

...Respondent

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioners

Miss Veena Kalra for
Mrs. Avnish Ahlawat,
Counsel.

For the respondent

Shri Gyan Prakash,
Counsel.

O R D E R

Heard the learned counsel for both the parties. The R.A. has been filed by the petitioners (respondents in the O.A.) on the ground that the third enquiry against the petitioner in the original O.A. is still continuing and, therefore, the Tribunal committed an error in ordering the payment of salary and wages to the petitioners in the original O.A. for the period of suspension from 9.1.1984 till he was reinstated vide order dated 25.7.1984.

2. We have perused the record carefully. The petitioner was placed under suspension on 9.1.1984. He was reinstated on 25.7.1984. The said order of 25.7.1984 also stated that "the disciplinary proceedings against him will however continue. The orders regarding the payment of pay and allowances to be paid to him during the period of suspension will be issued after completion of the disciplinary proceedings against him."

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3. It is clear from the record that the third enquiry was initiated against the petitioner only in April, 1986. It is also clear from the record that the petitioner in the O.A. was exonerated in the second enquiry. Since he was exonerated in the second enquiry the Tribunal in its judgement had directed the respondents to pass an order under F.R. 54 in regard to the treatment of period of suspension and payment of pay and allowances, as admissible under the rules.

4. In the above circumstances, it is clear that there is no error apparent on the face of record. In fact the petitioners in the R.A. have mixed up the facts but for this mixing up the need for filing the R.A. would not have arisen. The R.A. is accordingly rejected.

B.S. Hegde
(B.S. Hegde)

Member(J)

I.K. Rasgotra
(I.K. Rasgotra)

Member(A)

san.