

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

(3)

O.A. No. 723/1990
T.A. No.

199

DATE OF DECISION 22.03.1991

<u>Shri Krishan Dutt</u>	Petitioner
<u>Shri R.C. Verma</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India & Others</u>	Respondent
<u>Shri M.L. Verma</u>	Advocate for the Respondent(s)

CORAM**The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)****The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE 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*
4. Whether it needs to be circulated to other Benches of the Tribunal? / *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. D.K. Chakravorty,
Administrative Member)

The applicant, who has worked as Upper Division Clerk in the Military Farms Department, has sought two reliefs in this application, filed under Section 19 of the Administrative Tribunals Act, 1985, namely, (1) for payment of full pay and allowances during the period from 17.6.1988 to 25.10.1989 when he had been placed under suspension and (2) for quashing the impugned disciplinary proceeding initiated against him by memorandum dated 23.8.1989.

2. We have gone through the records of the case and have heard the learned counsel of both parties. We see no reason or justification to interfere with the conduct of the disciplinary proceedings against the applicant which have not culminated in the passing of the final order by the disciplinary authority. Therefore, the second prayer made by him is not maintainable at this stage.

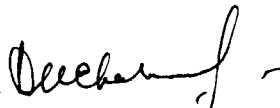
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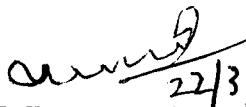
whether there
3. We, may consider his force in the contention of the applicant as regards the non-payment of full pay and allowances during the period of his suspension which was revoked by the respondents.

4. The applicant was placed under suspension by order dated 17.1.1988 as a disciplinary proceeding against him was contemplated. On 25.10.1989, the respondents passed an order revoking the order of suspension. This revocation was pending the finalisation of the disciplinary proceedings. In such a case, according to the provisions of FR 54-B, the order passed by ~~the competent authority~~ in regard to the payment of pay and allowances during the period of suspension, shall ^{be} reviewed by the ^{competent authority} who shall pass appropriate order in accordance with the provisions of FR 54-B.

5. In the light of the foregoing discussion, the application is disposed of at the admission stage itself with the direction to the respondents to conclude the disciplinary proceedings initiated against the applicant as expeditiously as possible and in any event not later than six months from the date of receipt of this order. Thereafter, they shall review the question of payment of pay and allowances of the applicant during the period of his suspension from 17.6.1988 to 25.10.1989 in accordance with the provisions of FR 54-B within one month and pass appropriate orders. The applicant will be at liberty to file a fresh application in the Tribunal in accordance with law, in case he is aggrieved by the decision of the competent authority.

There will be no order as to costs.


(D.K. CHAKRAVORTY)
MEMBER (A) 22/3/91


(P.K. KARTHA)
VICE CHAIRMAN(J) 22/3/91