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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. No. 307 of 1995 In
O.A. No. 1583 of 1991

New Delhi this the 11th day of December, 1995

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)
HON'BLE MR. P. SURYAPRAKASAM, MEMBER (J)

Shri D.P. Srivastava
R/o 5-LF, Safdar Hashmi Marg,
New Delhi. ..Applicant

Versus

1. Union of India through
Member (Services),
Telecom Commission,
Sanchar Bhawan,
20, Ashok Road,
New Delhi-110 001.
2. Adviser, Human Resource Development,
Telecom Commission,
Sanchar Bhawan,
20, Ashok Road,
New Delhi. ...Respondents

ORDER BY CIRCULATION

Hon'ble Mr. K. Muthukumar, Member (A)

In this Review Application, the applicant seeks for a review of the order passed by this Tribunal in O.A. No. 1583 of 1991 and prays that an appropriate order be passed by the Tribunal in terms of the judgment of the Bombay Bench of the Tribunal in the case of Basant Ram Jaiswal Vs. Area Manager (North), Mahanagar Telephone Nigam Ltd., Bombay Telephones and Another, (1993) 24 ATC 641.

2. The prayer in the O.A. No. 1583 of 1991 was as follows:-

(a) To treat the period of suspension of

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- the applicant from 1.8.1988 to 26.6.1990 as duty for all purposes.
- (b) To grant the applicant's increments which fell due on 1.8.1988, 1.8.1989 and 1.8.1990.
- (c) To appoint the applicant in the non-functional selection grade of the I.T.S. Group 'A' from the date of his juniors were promoted.
- (d) To pay him arrears due to him consequent on the grant of reliefs at (a), (b) and (c) above alongwith interest at the rate of 12% per annum.

3. As mentioned in the order on the aforesaid O.A., the respondents have already granted the reliefs (b) and (c) to the applicant. What remains is the treatment of the period of suspension. It has been pointed out in the order that the respondents were required to pass appropriate orders under sub-rule (1) of F.R. 54-B. It was also pointed out in the order that while in the case covered by the judgment of Bombay Bench (Supra), the respondents had passed an order after delay of 3 years, which was quashed by the aforesaid order, in the case of the applicant, in the O.A., no such order had been passed in the first place. The prayer in the O.A. was to give direction to the respondents to treat the period of suspension as duty. Under the aforesaid rule, it is for the competent authority to issue suitable orders regarding the treatment to be given to the suspension period. It is not for the Tribunal to give any direction at this stage when no order had been passed at all

to treat the period of suspension one way or the other. It is true that there has been a long delay by the respondents in passing such an order. Whenever such an order is passed, which is required to be passed under sub-rule (1) of F.R. 54-B, it is subject to review under sub-rule (6) ^{of F.R. 54-B} at conclusion of the disciplinary or court proceedings. The Tribunal cannot substitute its own judgment on the treatment to be given to the period of suspension even at this stage, i.e., to say even before the suitable order is passed under sub-rule (1) of F.R. 54-B. In the light of this, there is no mistake or omission or error of law apparent on the face of the record and, therefore, there is no case for review of the order passed in the aforesaid O.A.

4. In the light of the above, the Review Application lacks merit and is dismissed.



(P. SURYAPRAKASA M)
MEMBER (J)



(K. MUTHUKUMAR)
MEMBER (A)

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