

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

D.A. No. 907/91

New Delhi, dated the 3rd August 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Muni Lal,
S/o Shri Chhatarpal,
C/o Shri B.S. Mainee, Advocate
240, Jagriti Enclave,
Delhi-110092.
(By Advocate: Shri B.S. Mainee)

APPLICANT

....

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Sr. Divl. Engineer (II), Northern Railway, Allahabad.
3. The Asstt. Engineer (Line), Northern Railway, Tundla.

RESPONDENTS

(None appeared)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this D.A. the applicant Shri Muni Lal, Gangman, Northern Railway, Tundla has prayed for a direction to the respondents to pay him his full salary for the period he remained suspended, and also for his salary for March 1989, when according to him, not even subsistence allowance was paid to him.

2. The applicant was proceeded against departmentally on 25.1.89 on two charges. The first charge was that as gatekeeper of Gate No. 77/C, during duty hours on 19.12.88 at 16.44 hours he opened the gate to let ~~ped~~ traffic pass, but thereafter did not close it and then left the gate in an open condition compelling the ASM on duty to give look out caution to an empty goods train, and to briefly detain a delux express train which was already running late. This ^{charge} also mentioned that the applicant left the gate unmanned on the place

that he had gone to fetch drinking water, although during trolley inspection earlier that day the PWI had specifically told him to keep enough drinking water available with him during duty hours. The second charge was that on previous occasion, also i.e. ^{on} 16.12.88, the applicant had left the gate unmanned on the plea that he had gone to fetch drinking water.

3. The applicant was placed under suspension on 19.12.88 which was revoked on 17.4.89.

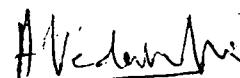
4. The E.O. found the charges against the applicant proved, and punishment dated 6.11.90 (Annexure A.1) was imposed on him withholding increment for 1 year, and his appeal was rejected on 7.2.91 by a speaking order (Annexure A.5).

5. The respondents state that the applicant was paid his full suspension allowance during the period the applicant was under suspension from 19.12.88 to 17.4.89 and the applicant has produced no material to rebut the respondents averment that suspension allowance for March 1989 has been paid to the applicant.

6. The question of paying full salary and allowances during the period of suspension would arise only where it was held that the suspension was totally unjustified, and the applicant was fully cleared in the Departmental Enquiry. As this is obviously not the case ^{here}, the applicant having been punished with stoppage of increment for 1 year, the question of paying him full pay and allowances for the suspension period does not arise.

7. Shri Mainee has argued that the applicant was not given a personal hearing in the appeal, which he claims vitiates the departmental proceeding and has cited M.K. Singh Vs. UOI SLJ 1995(1) CAT 62. It is noted that the applicant has not prayed for quashing of the D.E. as one of the reliefs prayed for, and hence this ruling has no relevance to the relief prayed for in the present case. What has been prayed for is full salary and allowances for the suspension period, which is manifestly inadmissible as the applicant's suspension was not wholly unjustified.

8. This application therefore fails and is dismissed. No costs.



(DR. A. VEDAVALLI)
Member (J)



(S. R. ADIGE)
Member (A)

/GK/