

2

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 92/2004

New Delhi, this the 15th day of January, 2004

Hon'ble Sh. Sarveshwar Jha, Member (A)

V.S. Bhati
S/o Sh. Bhagawan Singh
Retd. TGT, G.B.S. Sec. School No.2
Sector-V, Ambedkar Nagar
New Delhi.

R/o 322, Kumarwala Mohalla
Radarpur, New Delhi - 44.

...Applicant

(By Advocate Sh. K.N.R. Pillai)

V E R S U S


Govt. of NCT of Delhi through
The Director of Education
Old Secretariat, Delhi - 110 054.

...Respondents

O R D E R (ORAL)

Shri Sarveshwar Jha,

Heard. The learned counsel for the applicant has submitted that while the applicant retired from service on 28-2-2002 and further that he approached this Tribunal vide OA 179/2003 seeking directions for payment of retirement benefits when the same had been delayed inordinately by the respondents, the respondents have now issued the impugned order dated 9-6-2003, declaring that the period of suspension from 22-5-96 to 14-2-97 in respect of the applicant shall not be treated as period spent on duty under the provisions of FR 54 (b) clause 4 & 5. The respondents have followed it up with the orders of the Office of the Pay & Accounts Office No.1 dated 17-10-2003 (Annexure A-2), in which they have indicated that an amount of Rs.89,121/- will be recovered from him on account of pay for the period of suspension. The applicant has submitted that in the impugned order of the respondents there is a mention only that the period of suspension will be treated as not spent on duty and there is no mention about the pay and allowances for that period being



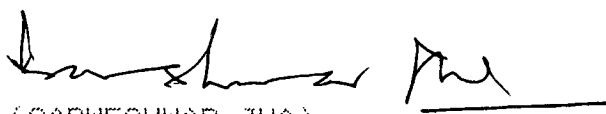
- 2/-

recovered. Accordingly, the order recovering the said amount on account of pay and allowances for the said period in the absence of there being any order to that effect is, in the opinion of the applicant, not legal and should, therefore, void. In his opinion, he should have been served a notice before any such step was taken by the respondents.

2. The applicant has also submitted a representation to the respondents in the matter on 31-12-2003, whereas the present OA has been filed on 13-1-2004. It appears that the respondents have still not disposed of the representation. Moreover, it is only about a fortnight that has passed since the representation has been submitted by the applicant to the respondents.

3. Under these circumstances, I am of the opinion that it would be appropriate to dispose of this OA at this stage itself with directions to the respondents to consider the representation of the applicant which is already pending with them and also this OA by treating it as another representation of the applicant on the subject and to dispose them of by issuing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

4. This OA thus stands disposed of. If grievance of the applicant still survives, he shall have liberty to approach this Tribunal.


(SARWESHWAR JHA)
MEMBER (A)

/vikas/