

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench
New Delhi

C.P. NO. 283/1994
IN
O.A. NO. 3128/1992

(18)

New Delhi this the 3rd day of April, 1995

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Shri Amir Chand Arora
S/O Late Shri Ram Chand,
R/O 62, South Patel Nagar,
New Delhi - 110008. ... Applicant

(By Advocate Shri Shiv Shankar Mishra)

Versus

1. Shri S. L. Bhatt,
Deputy Secy. (Director),
Ministry of Home Affairs,
New Delhi.
2. Shri Y. D. Bankata,
Secy. Agriculture,
Govt. of Arunachal Pradesh,
through Resident Commissioner,
Arunachal Bhawan,
Kautaliya Marg,
New Delhi-21.
3. Shri T. Ban,
Secy. Planning,
Govt. of Arunachal Pradesh,
Arunachal Bhawan,
Kautaliya Marg,
New Delhi. ... Respondents

(By Advocate Shri V. S. R. Krishna)

ORDER (ORAL)

Shri Justice S. C. Mathur —

The applicant Shri Amir Chand Arora alleges
disobedience by the respondents of the Tribunal's
order dated 13.9.1993 passed in O.A. No. 3128/92.

2. The facts on which there is no dispute between
the parties are as follows :-

The applicant was placed under suspension.

He was proceeded against departmentally for alleged

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misconduct. At the enquiry he was found guilty of misconduct and punishment was awarded to him.

Thereafter, question arose as to how the period of suspension was to be treated. In respect of this matter, an order was passed on 8.3.1990 by the Government of India, Ministry of Home Affairs which has been reproduced in the judgment of which disobedience is alleged. This order reads thus —

"After careful consideration of the case, the President is of the view that the proposed decision to give him 95% of his pay and allowance during the period from 8.11.63 to 30.7.67 and that the said period be counted for the purpose of pension only would meet the ends of justice.

Now, therefore, the President orders that Shri A. C. Arora be paid 95% of his pay and allowances during the period of his absence from 8.11.63 to 30.7.67 and that the said period be treated for the purpose of pension only and orders accordingly."

Against this order, the applicant filed the original application which has given rise to the present contempt application. Two material reliefs were claimed which have been reproduced at the first page of the Tribunal's order. The first relief was to quash the order dated 8.3.1990 and to direct the respondents to pay full emoluments to the applicant. The alternative prayer was to direct the respondents to make payment to the applicant in accordance with the order dated 8.3.1990 together with interest at the rate of 18%.

3. At the time of hearing, the applicant did not press the first relief and confined his case to the implementation of the Government of India's order

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dated 8.3.1990. The Tribunal disposed of the original application with the following direction :-

"In the circumstances we allow this application and direct the second respondent to make payment of 95% of the pay and allowances for the period from 8.11.1963 to 30.7.1967 within a period of three months from the date of receipt of this order alongwith interest at 12% from 1.1.1991 till it is actually paid."

4. It is not disputed that the applicant was paid Rs.16,606.00 on 7.9.1993 and Rs.5,315.00 on 24.1.1995. Learned counsel for the applicant stated that the earlier amount represented the 95% of the pay and allowances and the latter amount represented the interest thereon. He admitted that if the applicant is not to be given the benefit of revised pay scale, the order of the Tribunal stands complied with. Submission of the learned counsel is that the pay scale had been revised and the applicant's 95% of pay and allowances were to be calculated on the basis of the revised pay scale.

5. Learned counsel for the respondents submits that by order dated 8.3.1990, a very limited benefit has been granted to the applicant. It had been provided that the said period would be counted for the purpose of pension only. We find substance in the submission of the learned counsel. After the conclusion of the disciplinary proceedings appropriate administrative authority has to take decision regarding the period during which the Government servant has remained under suspension. The order dated 8.3.1990 has been passed in discharge of

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this obligation. While refusing payment of 100% salary and allowances for the said period, the appropriate authority directed payment of 95% of the said allowances with the specific direction that the said period would be counted for the purpose of pension only. Accordingly, we are of the opinion that the claim of calculation of 95% pay and allowances on the basis of revised pay scale is misconcieved.

6. In view of the above, the application is rejected but without any orders as to costs. Interim order, if any operating, shall stand discharged.

P. J. 25

Jan 15

(P. T. Thiruvengadam)
Member (A)

(S. C. Mathur)
Chairman

/as/