

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 863/93
T.A. No.

199

DATE OF DECISION 16.8.1993

Sohendar PalPetitionerShri A.K. BharadwajAdvocate for the Petitioner(s)**Versus**Union of India & Ors.RespondentAdvocate for the Respondent(s)**CORAM****The Hon'ble Mr. J.P. SHARMA**

MEMBER (J)

The Hon'ble Mr. S. GURUSANKARAN

MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGEMENT - ORAL

This judgement was pronounced by Hon'ble Shri
J.P. Sharma, Member (J)

In this case, the applicant was working as LDC has been put under suspension by an order dated 3.11.1987 (Annexure 'A'). During the course of hearing and upon perusal of para 4.3 of the application shows the case, under section 420/469/471 of I.P.C. which is an offence of cheating and interpolation in the official records is pending against the applicant and some other persons. The

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decision on the criminal case has not yet been arrived and in view of this fact, the respondents ~~revoked~~ the order of the suspension on 8.12.1989 and the applicant was taken on duty on 22.12.1989. The applicant has not filed any copy of the order of the revocation of the suspension, but he has filed only an office report, by which the applicant has been taken on duty. The learned counsel for the applicant has also referred to the authority of 1989 (ii) ATC 801 (Calcutta Bench). After hearing the learned counsel for some time, the learned counsel stated the applicant, irrespective of the reliefs claimed in the original application in sub-para (a), (b), (c) & (e) of para 8, ^{he} only presses the relief that the respondents be directed to pass an order under rule 54 (B) of the Fundamental Rules. We have given a careful consideration and also find that the representation given by the applicant dated 26.11.1991 has also not been disposed off. The respondents were issued notice but no reply has been filed nor ^{any} ~~no~~ body is present today on their behalf.

2. Since it is a short matter ~~we~~ dispose of the present application at the admission stage with a direction to the respondents to dispose of the representation of the applicant dated 25.11.1991 and an order under FR 54(B) be also passed. We have ^{not} entered into the merit of the application and the respondents are at their discretion to pass order in the circumstances of the case whether the applicant is entitled to benefit of pay for that period or not. This direction should be complied with by the respondents within a period of three months from the date of receipt of a copy of this order.

S. Gurusankaran
16/8/93
S. GURUSANKARAN
MEMBER (A)

J. P. Sharma
J. P. SHARMA
MEMBER (J)