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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI

O.A.No. 1082/93

Date: 30-8-93.

Kanwar Singh

...Applicant

Versus

Union of India & Others

...Respondents

CORAM:

HON'BLE MR. J.P.SHARMA, MEMBER (J).
HON'BLE MR. B.K.SINGH, MEMBER (A).

For the applicant

... Shri Sant Lal, Counsel

For the respondents

... Ms. Protima Mittal, proxy
Counsel for Sh.K.C.Mittal,
Counsel.

JUDGMENT (ORAL)

(Hon'ble Mr. J.P.Sharma, Member(J) :

As Shri Mittal is indisposed and is not present today, Miss Protima Mittal will file the Vakalatnama in the course of the day.

2. We have heard the learned counsel on admission. The grievance of the applicant is that there was a criminal case pending against him on account of which he was put under suspension under Section 10(1) of the CCS (CCA) Rules, 1965, w.e.f.16-1-1978. However, the suspension order was revoked and the applicant was reinstated w.e.f.18-11-84 and continued to work as a regular paid employee with the respondents. The criminal case pending against the applicant ended in acquittal by the Order dated 13-7-92 (Annexure A-4) by the Court of Metropolitan Magistrate, Delhi. After the applicant was

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acquitted, he made a representation to the respondents on 24-8-92 expressing gratitude to the respondents and also claiming the regularisation of the period under FR 54(B). The respondents did not accede to the request of the applicant. O.A. was filed on 17-5-93. During the pendency of the O.A., the respondents passed an order dated 28-6-93 ordering that the period of suspension of the applicant from 16-1-78 to 16-11-84 be treated as period spent on duty for all purposes. In view of this, the relief claimed by the applicant in sub-para (1) of para 8 stands allowed by the respondents themselves.

3. However, the learned counsel for the applicant presses that since this Order was passed on 28-6-93, he is entitled to the claim of interest from the date of his representation dated 24-8-92 to the date of Order. We have considered this request and also heard the learned proxy counsel for the respondents.

4. Interest is allowable to an aggrieved party on account of certain administrative lapse. In fact, in order to pass a final order under FR 54(B), certain initial formalities are to be undertaken by the Administration which are time consuming courses. In view of this, the request of the learned counsel is far-flung and do not come within the ambit of equitable principle of award of interest. In view of this, we don't find that the applicant is entitled to the claim of interest.

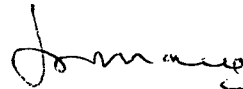
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5. However, the learned counsel prayed that the order dated 28-6-93 be implemented within the specified period. The departmental representative Shri B.S.Dahiya, DSP, who is present states that the order dated 28-6-93 will be complied with within three months.

6. In view of this, this application is disposed of with the direction to the respondents to implement their own Order dated 28-6-93 within a period of three months from the date of this Order. The claim of the interest is disallowed. Parties are left to bear their own costs.



(B.K.SINGH)
MEMBER (A)



(J.P.SHARMA)
MEMBER (J)

30/8/93

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