

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad this the 27th day of July, 2000.

Original Application no. 446 of 1996.

Hon'ble Mr. S. Dayal, Administrative Member.

Hon'ble Mr. Rafiq-Uddin, Judicial Member.


Lala Ram aged about 55 years,
S/o Shri Bharose, working as
Highly Skilled Fitter Gr. I,
Ticket No. 339 (Bogi) TRS/ELS,
Jhansi, R/o 129 Nalganj, Sipri
Bazar, Jhansi.

.....Applicant

C/A Sri R. Verma
Versus

1. Union of India through the
General Manager, Central
Railway, Bombay V.T. (Mumbai)
2. Senior Divisional Electrical
Engineer (TRS),
Central Railway,
Jhansi.
3. Asstt. Electrical Engineer (TRS)
Central Railway,
Jhansi.

.....Respondents

 C/R Sri A.K. Gaur.

1/2/11

ORDER

By Hon'ble Mr. S. Dayal, AM.

This application has been filed for direction to the respondent to pay full pay and allowances for a period of illegal suspension from 12.12.1994 to 20.12.1994 after adjusting the amount already paid to him as subsistence allowances. A prayer has also been made to pay the interest @ 18% per annum for a period till payment was made.

2. The applicant has claimed that by order dated 12.12.1994 he was placed under suspension on the ground that a Disciplinary Proceedings was contemplated/pending. The suspension was revoked by order dated 20.12.1994. However, no chargesheet was served on the applicant till filing of the O.A. which was on 5.4.96. The learned counsel has mentioned that even till date no chargesheet has been served.

3. We have heard Sri R. Verma learned counsel for the applicant and Sri A.K. Gaur learned counsel for the respondents.

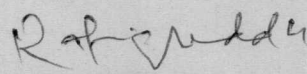
4. The respondents in their counter reply have stated that the suspension was legal, they have stated that on a further inquiry, the applicant was

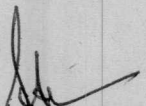
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held to be not guilty and, therefore, his suspension was revoked regarding delay in payment. The stand of the respondents is that the applicant never approached them for balance payment and never made any representation before 21.11.1995.

5. The learned counsel for the applicant states at bar that the respondents made payment of difference of salaries and suspension allowances amounting to Rs. 524 on 9.12.96. We find no order of regularisation of suspension period by the respondents. However from the facts of the case it appears that the respondents had reached a conclusion when he revoked the suspension that the applicant was not guilty and they have passed the order of treating the period of suspension duty, immediately thereafter. This suspension has been delayed and no reason for this forth coming. Hence, we allow interest at 12% to the applicant of the difference between pay and suspension allowances which was due and which shall be from 1.1.95 till 9.12.96. This amount shall be paid within a period of three months.

6. There shall be no order as to costs.


Member-J


Member-A

/neelam/