

BY CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

DATED: THIS THE 16 DAY OF MAY 1997

Coram : Hon'ble Mr. S. Das Gupta AM
Hon'ble Mr. T. L. Verma JM

REVIEW APPLICATION NO.16/97 IN O. A. NO.970/93

C/A Shri Deva Sharma

Versus

Union of India and others - - - - - Respondents

Order

By Hon'ble Mr. S. Das Gupta AM

This application has been filed seeking review of the judgment and order dated 4.12.1996 by which the Q.A. No.970/93 was disposed of.

2. The aforesaid O.A. was filed challenging the order dated 27.8.1992 passed by the Disciplinary authority imposing on the applicant penalty of removal from service. The O.A. was decided on a short point of law. It was held that entire proceedings against the applicant was vitiated by examination of two witnesses, who were not named in the charge sheet without giving any opportunity to the applicant to cross examine them. The impugned order was, therefore, quashed with the direction to the respondents to reinstate the applicant forthwith. They were given liberty to proceed against the applicant in case they felt that such proceedings were warranted. It was also observed that so far as the relief of arrears of salary

for the period ⁱⁿ ~~during~~ ^{have} which the applicant claimed ~~be~~ kept waiting for being allowed duty is concerned, the same could not be granted by the Tribunal as the facts ⁱⁿ ~~in~~ were ~~not~~ disputed and ~~for~~ this matter might also be subject to departmental enquiry and decision thereon shall be ⁱⁿ ~~in~~ taken by the respondents based on the enquiry report.

3. In the instant review application, it has been pointed out that the applicant was not paid arrear of salary from 26.2.1986 ^{to} ~~but~~ 15.5.1988 during which disciplinary proceedings against him was continuing, for which period he was not paid any subsistence allowance nor salary. This prayer not having been adjudicated ⁱⁿ ~~by~~ ^{allegedly} the order of the Tribunal ~~in~~ suffers from error apparent on the face of record. It has further been stated that the applicant had also prayed for the relief that the entire period w.e.f. 20.6.1992 to 27.8.1992 be regularised as on duty for all purposes and this prayer was also not adjudicated.

4. We have carefully considered the submissions made in the review application. So far as suspension period from 20.6.1992 to 27.8.1992 is concerned, no order can be passed for regularisation ~~as~~ duty since the applicant has not been exonerated of the charges and the respondents were given liberty to proceed afresh against the applicant. So far as the ~~suspension~~ payment of salary for the period 26.2.1986 to 15.5.1988 is concerned, this relief could have been prayed for and adjudicated in the earlier O.A.157/89. As this was not done, we see no reason to pass any order in this regard. However, on completion of the disciplinary proceedings, the applicant can submit representation to the respondents for wages, subsis-

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tence allowance during this period and it would be
for the respondents to pass appropriate order thereon.

5. With the aforesaid observations, this
review application is disposed of.

J. Thomas
MEMBER(J)

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MEMBER(A)

SQI