

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1011 of 1997

Allahabad this the 05<sup>th</sup> day of June, 2003

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Mr.D.R. Tewari, Member (A)

Sri Jayant Kumar Taneja, aged about 47 years, Son of Late Sri B.D. Taneja, Suptd, M.E.S. Village Charma, P.O. Azera, District Pithauragarh at present working on the post of Superintendent, E/M Grade II, in the Office of the Superintendent, M.E.S. Village Charma, P.O. Ajera, District Pithauragarh.

Applicant

By Advocate Shri K.P. Singh

Versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Headquarter, Kashmir House, DHQ, P.O., New Delhi.
3. The Chief Engineer, Headquarter, Central Command, Lucknow.
4. The Chief Engineer, Bareilly Zone, Bareilly.
5. The C.W.E. Bareilly.
6. The C.W.E.(Hills) Pithauragarh.
7. The G.E., 871, E.W.S. C/o 56 A.P.O.
8. The A.G.E.(I) M.E.S., Shahjahanpur.

Respondents

By Advocate Shri Vikram Gulati

O R D E R ( Oral )

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, <sup>applicant</sup> has prayed multiple reliefs detailed in parae-8(a) to 8(d).

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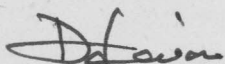
2. The facts in short giving rise to this application are that the applicant was appointed as Superintendent E/M Grade II in the year 1971 in the Office of Garrison Engineer(Project) Bareilly. He was transferred from Bareilly to Shahjahanpur in January, 1976. The applicant applied for leave on 26.08.82 with permission to leave station. The leave was granted for 27.08.82 and 28.08.82. However, applicant did not join after expiry of the leave and he remained absent from 30.08.82 to 17.10.82. For this misconduct, an F.I.R. was lodged against the applicant, which was investigated and charge-sheet was filed under Section 175/409 I.P.C. The applicant was tried in case no.11/1995. The applicant was acquitted of the charge on 07.06.95, Copy of the order is on record. The applicant was also served with the memo of charge dated 18.01.1984. He submitted his explanation on 07.11.85. However, as the applicant was acquitted in criminal court, it appears that the disciplinary proceedings against the applicant were not pursued further and they were dropped. The grievance of the applicant is that though he made several representations to regularise his pay and allowances for the period from 19.04.93 to June,1994, grant of annual increments from the year 1982 till date and pay arrears and allowances with interest but, no action has been taken. Copy of the representation has been filed as annexure-4. The applicant has prayed that Engineer-in-chief may be directed to decide the appeal/representation of the applicant. The representation, it appears, was addressed to Chief Engineer, Central Command-respondent no.3.


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3. Resisting the claim of the applicant, the respondents have filed the C.A. wherein it is stated that against the order of acquittal, Criminal Revision No.328/96 Union of India and Others Vs. State of U.P. and Others has been filed before the Hon'ble High Court, which is still pending and the case does not fall under the jurisdiction of the Tribunal. However, the facts stated by the applicant are not disputed by the respondents.

4. Since in criminal case applicant has been acquitted and disciplinary proceedings were dropped, and suspension order passed against the applicant was revoked, in our opinion, applicant is entitled for the orders regularising his period of absence, as provided under rules. The applicant filed detailed representation, which has not been decided. In our opinion, ends of justice will be served if the respondent no.2 is directed to consider and decide the representation of the applicant within a specified time.

5. For the reasons stated above, this O.A. is disposed of finally with the direction to the respondent -Engineer-in-Chief, Army Headquarter, Kashmir House, New Delhi to consider and decide the representation of the applicant, which he shall file within a month from the date a copy of this order is obtained by him. The representation, if so filed, be decided by a reasoned order as per rules within a period of 4 months. No order as to costs.

  
Member (A)

  
Vice Chairman