

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

Original Application No. 99 of 1997.

this the 3rd day of September 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER(A)

Chhote Lal Gupta, aged about 59 years, S/o late Sri Baij Nath Gupta, R/o Village Nai Basti, Manauri, District Allahabad.

Applicant.

By Advocate : Sri K.K. Misra.

Versus.

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Allahabad.
3. The Senior Divisional Personnel Officer, Northern Railway, Allahabad.
4. The Senior Divisional Commercial Manager, Northern Railway, Allahabad.

Respondents.

By Advocate : Sri P. Mathur.

O R D E R (ORAL)

BY HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

The applicant, who was working as Head Goods Clerk at Barthana Railway station, Northern Railway, Allahabad Division, was placed under suspension vide order dt. 3.8.1988. The aforesaid suspension order was revoked on 3.8.1990. The applicant was, however, again placed under suspension vide order dated 12.9.1991, which was revoked on 27.7.1992. The grievance of the applicant is

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that he has not been paid the salary and other allowances during the aforesaid suspension period i.e. from 3.8.1988 to 3.8.1990 and from 12.9.1991 to 27.7.1992.


2. We have heard the learned counsel for the parties and perused the pleadings on record.

3. The learned counsel for the respondents has raised preliminary objection that the claim of the applicant is barred by time because the present O.A. has been filed in the year 1996 whereas the periods of suspension relate to the year 1988 to 1990 and from 1991 to 1992. On this point, the learned counsel for the applicant has urged that the applicant had submitted several representations, hence the claim cannot be said to be barred by time. It is also urged that the nature of relief claimed by the applicant is of recurring nature. The applicant, while in service, had made several representations to the authorities for payment of salary and other allowances during the period of his suspension. The respondents in their Counter Reply have merely stated that DAR proceeding was pending against the applicant and when the same was finalised, the decision was communicated to the applicant on 30.11.1994. Under the facts and circumstances of the case, we do not find that the claim of the applicant is barred by time.

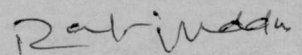
4. As regards the question of non-payment of salary etc. of the applicant for the periods, in question, the learned counsel for the applicant has pointed-out that as per the provisions contained in Rule 2044-B of Indian Railway Establishment Code, Vol.II (fifth Reprint) when a railway servant, who has been suspended, is re-instated or would have been so re-instated on the verge of retirement on superannuation, while under suspension, the authority competent to order re-instatement shall consider and make a specific order regarding

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pay and allowances to be paid to a railway employee for the period of his absence from duty including the period of suspension. In the present case, We find that the respondents have not passed any specific order regarding the pay and allowances to be paid to the applicant after his reinstatement. The action of the respondents is, therefore, not justified and is against the rules. We, therefore, allow this O.A. and direct the respondents to pass a specific order in terms of the aforesaid provisions of Indian Railway Establishment Code Vol.II (fifth edition) regarding pay and allowances to be paid to the applicant within a period of ^{in two} ~~three~~ months from the date of communication of this order. There shall be no order as to costs.



MEMBER (A)



MEMBER (J)

GIRISH/-