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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated: this the 07th day of APRIL 2008

Original Application No. 1364 of 2005.

Hon'ble Mr. N.D. Dayal, Member (A)
Hon'ble Mr. A.K. Gaur, Member (J)

Krishna Pal Singh, S/o late Bhola Singh, R/o House No. 108, Block H, Gajaini, Distt: Kanpur Nagar

By Adv: Sri K. Lal

. . . Applicant

V E R S U S

1. Union of India through Secretary, Ministry of Defence, South Block, Govt. of India, New Delhi.
2. The Secretary, Ordnance Factory Board, 10-!, Saheed Khudiram Boase Road, Kolkata.
3. The General Manager, Ordnance Factory Board, Kalpi Road, Kanpur Nagar.

. . . Respondents

By Adv: Sri S. Singh

O R D E R

By Hon'ble Mr. N.D. Dayal, Member (A)

Sri K. Lal learned counsel for the applicant and Sri S. Singh learned counsel for the respondents.

2. Learned counsel for the applicant has brought to our notice that the applicant who had been suspended initially from 17.04.2001, had been continuing for long on suspension because of criminal case. But in that case he was acquitted. He, therefore, submits that the authorities should release his pay and allowances keeping in view also the judgment in case

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of T.P. Singh Vs. Union of India and others as well as in accordance with law.

3. He submits that as per Annexure A-1, order dated 03.08.2005, (page 13 to the OA) and the order passed by the learned Court by which he was acquitted, it could not be held that he has been acquitted on benefit of doubt.

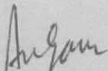
4. Be that as it may, the learned counsel for the respondents states that the applicant has yet to exhaust departmental remedy by making appeal before the Department where he can take all the grounds already taken in this OA as well as additional grounds on the decision taken by order dated 03.08.2005 with regard to grant of pay and allowances during the period of his suspension. Learned counsel for the applicant points out that the applicant has since retired and, therefore, the respondents may be asked to take early decision on his appeal for granting pay and allowances and he would like to prefer appeal in that regard without loss of time.

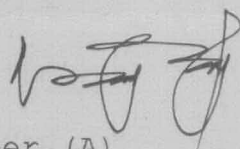
5. In view of the above submissions, let the applicant prefer appeal within 10 days from today against order dated 03.08.2005 at page 13 of the OA with regard to his pay and allowances for the period of suspension taking the grounds considered necessary as well as pointing out the decisions of Court upon

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which he relies and approach the respondents accordingly with a certified copy of this order. Upon receipt, appeal of the applicant shall be decided by the competent authority within a period of two months, by a reasoned and speaking order, and communicated^p to the decision so taken to the applicant forthwith.

6. The OA is disposed off as above. No costs.


Member (J)


Member (A)

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