

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

Original Application No.272/2014

Dated this the 06th day of August, 2021

CORAM:

Hon'ble Sh. Jayesh V. Bhairavia, Member (J)

Hon'ble Sh. A.K. Dubey, Member (A)

Shri Ambalal Mahijibhai Macwan,
116/909 Gujarat Housing Board,
Behind Hatkeshwar Police Chowki,
Kokhra-Mehmedabad,
Ahmedabad – 380 026.

.....Applicant

(By Advocate :Mr.P.H.Pathak)

Versus

1. Union of India,
Notice to be served to
The Secretary, Ministry of Law,
Justice & Company Affairs
New Delhi – 110 001.
2. Shri H.L.Karwa, President
Income-Tax Appellate Tribunal
Central Govt. Office Bldg,
4th Floor, Maharshi Karve Marg,
Mumbai 400 020.
3. The Assistant Registrar,
Income-tax Appellate Tribunal,
3rd & 4th Floor,
Abhinav Arcade, Nr. Kothwala Flats,
Nr.Pritamnagar, Ellisbridge,
Ahmedabad – 380 006.

...Respondents

(By Advocate: Shri H.D.Shukla)

ORDER (ORAL)**Per: Hon'ble Shri Jayesh V. Bhairavia Member (J)**

- 1 In the instant OA, it is noticed that while the applicant was working as peon with the respondent department, he was placed under suspension vide impugned order dated 30.05.2014 in terms of Rule 10(1)(b) of CCS (CCA) Rules 1969 mainly on the ground that a criminal case had been instituted against him and the same was pending before CBI Special Court, Ahmedabad. The said suspension order was served upon the applicant on the date of his retirement i.e. 30.05.2014. Aggrieved by it, the applicant filed the present OA.
- 2 It is brought to the notice of this Tribunal that during the pendency of this OA, the applicant was acquitted in criminal case vide judgment dated 29.01.2016. It is stated that after his retirement, departmental inquiry was initiated and the same was concluded in the year 2017, wherein the applicant was exonerated from the charges levelled against him in the disciplinary proceedings. Thereafter, all his retiral dues which were withheld by the department due to his suspension had been settled in the year 2020.
- 3 Counsel for the applicant Mr.P.H.Pathak submits that the order of the suspension was illegal and due to said order, the respondents had illegally withheld the retiral dues. He submits that though the applicant has received the retiral dues after having been exonerated in the departmental inquiry, the applicant is entitled to interest on delayed payment.
- 4 As noticed herein above, the impugned suspension order was issued by the respondent in exercise of power under Rule 10 of CCS (CCA) Rules 1969.

Subsequently, respondents initiated the disciplinary proceedings by way of departmental inquiry which was concluded in the year 2017 by exonerating the applicant with respect to the charges levelled against him. The applicant has been paid his settlement dues (retiral dues) in the year 2020. At this stage, we are not inclined to accept the prayer for direction to pay the interest on delayed payment. However, if any amount was due but not disbursed to the applicant because of his suspension or withheld due to the inquiry proceedings, the same may now be settled, if not settled already. Accordingly, the OA is disposed of.

(A.K.Dubey)
Administrative Member

(Jayesh V. Bhairavia)
Judicial Member

SKV