

Item No.27



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1164/2016

Tuesday, this the 22nd day of June, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Chetan Verma
S/o Sh. Ram Chander
R/o H. No.14, MCD Flats, Nimari Colony
Ashok Vihar PH-II New Delhi-52

... Applicant

(By Advocate: Mr. Harkesh Parashar)

Versus

1. North Delhi Municipal Corporation
Through its Commissioner
North DMC, Civic Centre, JLN Marg, New Delhi.
2. The Deputy Commissioner
North DMC, Karol Bagh Zonal Office
Anand Prabat, New Delhi.

... Respondents

(By Advocate: Ms. Neetu Mishra for Mr. K.M. Singh)



O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was placed under suspension on 29.08.2008, in view of his being arrested in connection with an FIR. Thereafter, he was reinstated on 14.12.2009. The applicant states that the FIR was quashed by the Hon'ble High Court and since it was not challenged, the respondents are under obligation to pay him the salary for the period, during which he was under suspension, i.e., from 29.08.2008 to 14.12.2009. He filed this O.A. with a prayer to direct the respondents to pay him the full pay and allowances for that period.

2. The respondents filed a detailed counter affidavit. It is stated that on a representation submitted by the applicant informing that the FIR was quashed by the Hon'ble High Court, the Deputy Commissioner issued a notice dated 17.02.2014 informing the applicant as to why the pay and allowances shall not be restricted to what have already been drawn during the period of suspension and why the period of suspension shall not be treated as spent on duty; and that the applicant submitted an explanation on 03.03.2014. It is stated that an order was passed on 25.04.2014 as proposed, and the appeal presented to the Lt.

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Governor against the order passed by the Deputy Commissioner was rejected, on 02.03.2016.

3. Today, we heard Mr. Harkesh Parashar, learned counsel for applicant and Ms. Neetu Mishra for Mr. K.M. Singh, learned counsel for respondents.

4. The applicant simply prayed for release of pay and allowances for the period during which he was placed under suspension. For whatever reasons, he did not mention about the order passed by the Deputy Commissioner and the rejection of the appeal filed against that. Once an order with reference to the pay and allowances as well as the manner in which the period of suspension must be treated, was passed, the applicant has to pursue remedies against that order, and the one passed by the appellate authority.

5. We, therefore, dispose of the O.A., leaving it open to the applicant to pursue the remedies *vis-à-vis* the orders dated 17.02.2014 and 02.03.2016.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

June 22, 2021

/sunil/vb/ankit/sd/dsn/