

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



O.A/351/055/2020/AN

Date of Order: 01.03.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member

Shri T. Suresh Kumar, s/o Late Thangappan
Nair, r/o Keralapuram village, Diglipur, North
& Middle Andaman District, Andaman and
Nicobar Islands. Pin code no. 744204.

--Applicant

-vs-

1. The Union of India,
Service through the Secretary, Govt. of India,
Ministry of Health and Family Welfare, New
Delhi - 110011.

2. The Lieutenant Governor
Andaman and Nicobar Islands,
Raj Niwas. Port Blair. Pin 744101.

3. The Chief Secretary,
Secretariat,
Andaman and Nicobar Administration
Port Blair, Pin 744101.

4. The Secretary,
Andaman and Nicobar Administration
Port Blair, Pin 744101.

5. The Director,
Directorate of Health Services,
Atlanta Point, A&N Administration
Port Blair. Pin 744104.

--Respondents

For The Applicant(s): Mr. P. C. Das, counsel
Ms. T. Maity, Counsel

For The Respondent(s): Mr. P. K. Das. counsel

ORDER (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. On 28.01.2020, this Tribunal has passed the following order:

"xxxx Since the suspension has been revoked, respondents are directed to
pay the full salary as the applicant would be entitled. Let the payment be
made immediately with arrears."

3. In compliance thereof, today at hearing, Ld. counsel for the respondents would submit that the arrear payment has been released, treating the entire suspension period as duty, and produce an order dated 27/28th April, 2020, issued by the Director of Health Services, which reads as under:

*"Andaman And Nicobar Administration
Directorate Of Health Services*

Port Blair, dated 27/28th April, 2020

ORDER NO. 1178

In pursuance of Hon'ble CAT Order dated 28th January, 2020 in O.A No. 351/055/2020 (Shri T. Suresh Kumar vs Uol & Ors), full pay and allowances were allowed to Shri T. Suresh, Ward Attendant for the suspension period treated as duty vide Order No. 5298 dated 17.11.2015 ie. with effect from 27.01.2010 to 12.10.2015.

This has the approval of the Secretary (Health), A&N Administration.

Director of Health Services

(F. no. 4-321/DHS/LC/2018)"

4. However, ld. counsel for the applicant disputes the same and submits that the arrear payment of the salary, i.e balance amount of salary after deduction of subsistence allowance, has not been released in favour of the applicant.

5. Since the dispute is factual, the O.A is disposed of without any further order as it appears that the respondents have complied with the Tribunal's order. The applicant is granted liberty to agitate afresh, if further aggrieved.

6. The O.A stands disposed of. No costs.

*(Bidisha Banerjee)
Member (J)*