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(Reserved).

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

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Registration No. T.A. 1598 of 1986.

Bachan Lal v.s. . . . Union of India and
another.

Hon'ble Justice Shri S.Zaheer Hasan, Vice Chairman.
Hon'ble Shri Ajay Johri, Member(A).

(Delivered by Hon. S.Zaheer Hasan, V.C.)

Suit No. 281 of 1983, pending in the court
of Munsif, West, Allahabad, has been transferred
to this Tribunal under Section 29 of the
Administrative Tribunals Act (XIII of 1985).

Plaintiff's case is that he was working
as Khalasi. On 15.9.1981 he was illegally
placed under suspension. This order was revoked
on 24.12.1981. On 21.9.1981 a charge-sheet was
submitted with the allegations that on
15.9.1981 plaintiff disobeyed the official
order and also held out threats to his superior
Officer and said that he did not care for any-
body. After inquiry, on 30.1.1982 the plaintiff
was punished and his two sets of passes were
stopped. He was given duty on 14.1.1982. He

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was not paid full salary from 15.9.1981 to 14.1.1982. According to the plaintiff, the allegations made against him were baseless. He filed the suit for declaration that the order dated 30.1.1982 was illegal and he was entitled to receive full pay and allowances for the period of suspension. The defence is that there was no illegality in the procedure of punishment and the suit is liable to be dismissed.

Learned counsel for the plaintiff argued only following two points:-

1. The impugned order is not a speaking order; and
2. The plaintiff should be paid full salary from 15.9.1981 when he was suspended to 14.1.1982 when he was given duty.

Charge no.1 was that plaintiff Bachan Lal, Khalasi disregarded the official order given to him by Sri M.Banerji, ASS/CSP/SFG amounting to disobedience. Charge No.2 was that the plaintiff committed an act of misconduct and misbehaviour with his superior Officer during the course of duty when he wielded out threats and said that he did not care for anybody. The inquiry officer has written a very well reasoned order. Regarding Charge no.1, he was of opinion that it was not made out. As regards Charge No.2 of misbehaviour, the

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inquiry officer has held that this charge was made out. The disciplinary authority passed the following order:-

"The undersigned has gone through the representation and the inquiry report against the charge framed against Bachan Lal son of Sri Thakurdin and have carefully considered and came to conclusion that Sri Bachan Lal son of Thakurdin is guilty of the charges.

The undersigned imposed upon him the penalty of stoppage of two sets of passes.

The suspension order will stand as it was."

The disciplinary authority agreed with the finding of the inquiry officer which is well reasoned and contains all necessary details. In the circumstances referred to above, the impugned order cannot be condemned as illegal.

The suspension order was passed on 15.9.1981 and it was revoked on 24.12.1981. The plaintiff was given duty on 14.1.1982. When the suspension order was revoked on 24.12.1981 an endorsement was made thereon that the plaintiff refused to take delivery in the presence of two witnesses. On the same day a letter was written to the plaintiff stating that he had refused to take delivery and

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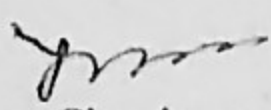
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since suspension was revoked he should report for duty. The plaintiff himself refused to take the order of revocation and left the Office without taking the same. In spite of notice issued to him the plaintiff did not report for duty till 14.1.82. The Department could not communicate with him and on that score the plaintiff was at fault. Therefore, there is no question of suspension order continuing up to 14.1.1982. The plaintiff was under suspension from 15.9.1981 to 24.12.1981 and for this period he should be paid full salary, allowances etc.

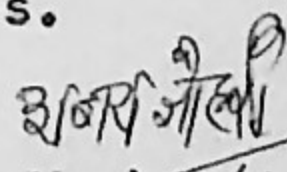
No other point was pressed before us.

Plaintiff's claim for declaring the impugned order as illegal is rejected. He is entitled to get full pay, allowances etc. from 15.9.1981 to 24.12.1981, and, in case full salary etc. has not been paid to him, the same should be paid to him. The application (Suit No. 281 of 1983) is disposed of accordingly with costs on parties.


Vice Chairman.

February 11th, 1987.

R.Pr./


Member (A).