

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH-ALLAHABAD.

D.A. NO. 1265 of 1987.

Sri Bijai..... Applicant.

Vs.

The Union of India & others..... Opposite parties.

Hon'ble Mr. Justice U.C.Srivastava - V.C.

Hon'ble Mr. K. Ghayya - A.M.

(By Hon'ble Mr. Justice U.C.Srivastava V.C.)

The applicant while working as Gangman at Pilibhit was placed under suspension on 22.6.76. The suspension order was passed as a case under Section 120-B, 395 and 397 I.P.C. was lodged against the applicant, and his arrest was made. The applicant was released on bail vide order dated 27.8.76. Thereafter on 2.8.82 a charge-sheet under Rule 9 of the Railway Disciplinary Appeal Rules was issued against the applicant stating therein that he was suspended w.e.f. 22.6.76 on account of his involvement in a decoity case and further alleging some mis-conduct against him. According to the applicant the copy of the charge-sheet was not served upon him and no order of dismissal or removal was passed as a result of the said charge-sheet. The applicant filed representation on 12.10.84 alongwith the copy of the judgment of the Additional Sessions Judge acquitting him in the decoity case and accordingly an order was passed by the Asstt. Engineer, Pilibhit on 14.5.1986 reinstating him in service with immediate effect and since then he is working as such. But the arrears between 22.6.76 to 14.5.86 were not paid despite repeated representations. The applicant has approached this tribunal.

The respondents have resisted the claim of the applicant and pointed out that as he was under the arrest, obviously he was placed under suspension and a case against him was pending. Further charge-sheet was served on him, but he was not reinstated in service. In view of his application

dated 8.5.1986 copy of which has been placed on the record, in which the applicant has stated that although he got a copy of the judgment in the year 1982 he filed the same only two years later in the office as he was busy in the treatment of his wife. He could not approach the department ^{and} earlier even now duty may be given to him, and in the said application he has also stated that for all this period he would not ask for any salary and what ever will be paid to him he will accept and that he would not file any suit for the same and it appears acting on the said application, the applicant was given duty even though he was acquitted four years prior to the moving of the said application. The facts of case indicates that duty was given to the applicant on undertaking that he will not make any claim even otherwise under the law. No one is entitled to get the wages for the period he has not worked and it is not a case in which it can be said that for no fault of him the applicant was deprived from duty or from wages and accordingly there is no force in this application, which is dismissed. No order as to the costs.

R. B. Venkayya
Member (A).

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Vice Chairman.

Dated: March 27, 1992.

(DPS).