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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

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Allahabad this the 13th day of October 1995.

Original Application no. 1298 of 1988.

Hon'ble Mr. Justice B.C. Saxena, Vice-Chairman
Hon'ble Mr. D.S. Bawajani Administrative Member.

Sunil Goswami, S/o Shri R.N. Goswami, Pharmacist, S/o Medical
Supdt., Central Railway, Jhansi.

... Applicant.

C/A Shri V.K. Burman.

Versus

1. Union of India, through General Manager, Central Railway
Bombay.
2. Divisional Medical Officer, Central Railway, Jhansi.
3. Chief Medical Officer, Central Railway, Bombay.

... Respondents.

C/R Sri A.V. Srivastava.

ORDER (Oral)

Hon'ble Mr. Justice B.C. Saxena, V.C.

The case was called out but no one had appeared
for the applicant. In view of the order passed on 12.01.95
we have heard learned counsel for the respondents Sri
A.V. Srivastava.

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2. The applicant through this O.A. has sought revocation of order for his suspension and for his reinstatement. He has further stated that for the period of suspension he may be declared as entitled to full salary and all benefits as are permissible under the law.

3. A detailed counter affidavit had been filed on behalf of the respondents, copy of which was served on the learned counsel for the applicant as far back as on 13.10.90 but no RA has been filed. In the CA it has been indicated that by an order dated 26.01.89 the order of applicant's suspension had been revoked and he was taken back on duty on 27.01.89 and he is being paid full salary with all benefits from 27.01.89 on-wards. It has further been indicated that during the period of suspension, as per rules, he was paid subsistence allowances @ 50% from the date of his suspension till July 1988 and with effect from August 1988 till 26.01.89 @ 75%. Since the order of suspension has already been revoked, during the pendency of this case, the relief which is being sought has become infructuous. The revocation of the order of suspension ~~is not obligatory~~ ^{has already been done.} With effect from the date of the order of suspension till the period it remained operative, the applicant was only entitled to be paid subsistence allowance which has been done as noted herein above. No other point made.

4. In view of this the O.A. lacks merit and the same

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is accordingly dismissed. Parties should bear their own costs.

Member-A

Vice-Chairman.

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