

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

~~RE~~

Original Application No: 386 of 1988

Mohd. Ahmad alias Nanhey .... .... Applicant.

Versus

Union of India & Ors. .... .... Respondents.

Hon'ble Mr. T.L.Verma, Member-J

Hon'ble Mr. S.Dayal , Member-A

(By Hon'ble Mr. T.L.Verma, J.M.)

The subject matter of challenge in this O.A. is order dated 14.6.1986 and 5.1.1987 whereby the claim of the applicant for regularisation of the period of suspension as on duty and payment of full salary was rejected.

A criminal case under Section 380/457/411 I.P.C was registered against the applicant while he was working as Tailor in Ordnance Clothing Factory, Shahjahanpur. He was under suspension from 26.12.1978 to 16.2.1986. The applicant was, however, acquitted by the Chief Judicial Magistrate, Shahjanpur by judgement and order dated 23.12.1985 (Annexure CA-1). From the perusal of the order, it appears that the applicant with his co-accused was acquitted as the prosecution failed to prove the charges beyond reasonable doubt. The co-accused, Mohd. Yusuf Khan filed O.A. No. 82/1988 for same reliefs as claimed by the applicant in this O.A. A Bench of this Tribunal, by judgement and order dated 6.4.1992, allowed the application and directed the respondents to pay the balance of pay and allowances due to the applicant for the period of suspension and also count this period as if on duty for all other

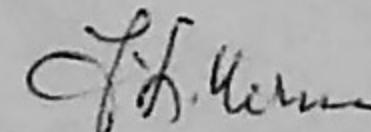
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service benefits. This case is in parimateria with the case of Mohd. Yusuf Khan in O.A. 82/1988 decided by this Tribunal on 6.4.1992. We are in agreement with the conclusions arrived at by the Bench of this Tribunal in O.A. No. 82/1988. We, therefore, find no merit in the argument of the learned counsel for the respondent that since the applicant has been given benefit of doubt, the decision of the competent authority as to how the period of absence of the applicant during the period of suspension should be treated is final and this Tribunal cannot interfere with the same.

In view of the above, this application is allowed and the respondents are directed to pay the balance of pay and allowances due to the applicant in for the period of suspension i.e. 26.12.1978 to 16.2.1986 and also count this period as on duty for all other service benefits. There will be no order as to costs.

  
Member-A

  
Member-B

Allahabad Dated: 31<sup>st</sup> August, 1994

/jw/