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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
A L L A H A B A D

Dated : Allahabad this the 1st day of February, 1996.

CORAM : Hon'ble Mr. S. Das Gupta, Member-A
Hon'ble Mr. T. L. Verma, Member-J

ORIGINAL APPLICATION NO. 67 of 1988

Kanti Swaroop Bhatnagar,
Son of Sri
Designation and office
in which employed before
ceasing to be employment.

.....Applicant
(BY ADVOCATE SRI R. Shukla & Sri J.K.Saksena.)

Versus

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Izatnagar, Bareilly.Respondents.

(BY ADVOCATE SHRI V.K.GOEL)

O R D E R (Oral)

(By Hon. Mr. S. Das Gupta, Member-A)

This application was filed under Section 19 of the Administrative Tribunals Act, 1985 seeking a number of reliefs. These are :-

- (i) a direction to the respondents to regularise various periods of suspension mentioned in para 6(ii) to (viii) and to pay the difference of pay and allowances less subsistence allowance paid.

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- (ii) Direction to the respondents to pay the cost in Writ No. 30 of 77 Rs. 123/- amount of CDA Rs.291.66 with interest, illegal recovery of cost Rs.800/- and also refund of P.F. amount Rs.1839/- together with interest admissible under rules.
- (iii) Direction to the respondents to upgrade the applicant with effect from 1.1.1984 on the post of Guard Grade 'A' Special.~~ix~~
- (iv) A direction to the respondents to rectify his date of birth on the basis of the verification and certificate issued by Principal S.V. Inter College, Bareilly and to pay the pay and allowances alongwith other service benefits with effect from 1.4.84 to 31.5.84.

2. From the averments of the O.A. it appears that the applicant was placed under suspension in various spells. He was initially under suspension from 14.12.1967 to 28.12.1967. He was ^{thereafter under suspension} ~~ordered by the~~

during following spells of suspension :-

- (i) 3.10.1968 to 18.10.1968
- (ii) 20.7.1970 to 25.7.1970
- (iii) 6.1.1976 to 14.1.1976
- (iv) 28.2.1983 to 07.3.1983
- (v) 28.1.1984 to 17.2.1984

It has been claimed that in none of the cases any charges against the applicant was proved. yet during all these periods, the applicant was only paid subsistence allowance and these periods were not regularised as periods on duty.

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3. At the out-set we noticed that this application suffers from multiplicity of reliefs which are not consequent to each other. The application, therefore, is ~~not~~ maintainable in case all the reliefs are to be considered. In view of this we only consider the relief regarding regularisation of suspension periods.

4. It appears from the counter-affidavit, filed by the respondents that the applicant retired from ~~xxxxvi~~ service with effect from 31.3.1984. So far as the earlier periods of suspension are concerned, these are clearly barred by limitation and we see no reason to interfere with the same. Even the last period of suspension i.e. 28.1.1984 to 17.2.1984 is also beyond period of limitation as the application was filed only on 11.1.88 which is nearly four years after the cause of action ~~had~~ arisen. The respondents have admitted that this period of suspension was not followed by any order of penalty as the disciplinary action could not be concluded, The applicant having retired with effect from 31.3.1984. The respondents should have issued an order either imposing penalty or ~~initiating~~ ^{dropping} proceedings and also indicating how the period of suspension would be treated. However, since the matter is being considered almost four years after initiation of proceeding, we do not ~~give~~ ^{feel} call upon ~~into~~ ^{to consider even} this period also at this stage.

5. In view of the foregoing, we are of the view that relief with regard to regularisation of suspension period are wholly time-barred. Various other reliefs

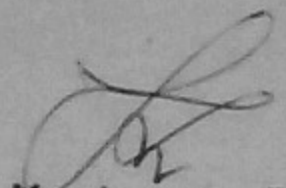
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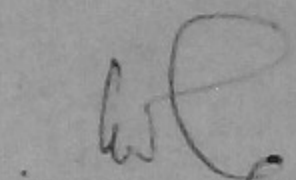
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can not be considered in view of the provisions in the Act regarding multiplicity of reliefs. This application is accordingly dismissed. There will be no order as to costs.


Member--J


Member--A

(Pandey)