

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

O.A. NO. 282/90
T.A. NO.

199

DATE OF DECISION 3/7/92

D N Ohta

PETITIONER

S. R. C.

Advocate for the Petitioner(s)

Versus

U.O.T.

RESPONDENT

(The Secy Central Excise)

S. K. C. Singh

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V. C. Srivastava V.C.

The Hon'ble Mr. K. Obayya A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether to be circulated to all other Benches ?

GHANSHYAM

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

D.A. No. 282/90

27/2
18/2

D.N. Ojha

...

Applicant

Vs.

Union of India & Others ...

Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

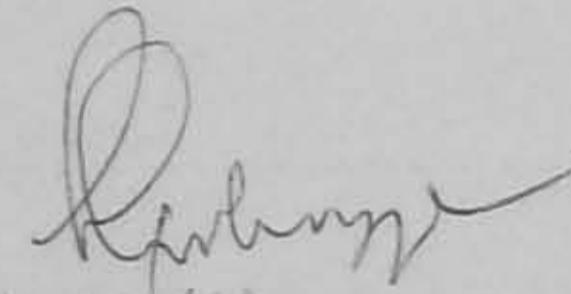
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

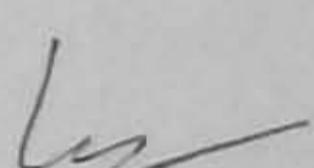
The applicant was working as a Superintendent, Central Excise Range in Siswa Bazar, Gorakhpur in the year 1987-88. It appears that there was a steep fall of sugar production during the season 1987-88, the petitioner failed to take notice of unprecedented fall in percentage of recovery of sugar shown by the management of the factory. He also failed to take sample of molasses for sugar season 1987-88 and also failed to send the same to the Chief Chemical Engineer, New Delhi for examination to ascertain the correct recovery percentage of the sugar. He also failed about to take timely action in reporting ~~smoke~~/fire accident that took place in the Factory on 4th May 1988. The applicant was held responsible for the same and taking it to the grave negligence of duty in his charge, the applicant was placed under suspension on 7.7.1988. The suspension allowance was paid to the applicant ~~because~~ ^{and} it was subsequently enhanced. Subsequently it appears vide order dated 25.4.90, the suspension order was recalled and it was mentioned therein that orders under fundamental rules 54-B for treatment of suspension period for the purposes of duty and payment of pay and allowance, the same will be decided after the conclusion of the disciplinary proceedings to be instituted against him. The applicant during ^{the} pendency

(1)

of this case was retired. The suspension order having been revoked and it has been stated by the respondents that this application has become infructuous. On behalf of the applicant, it had been contended that fundamental rule 54-B was not applied. But from the order it appears that disciplinary proceedings against the applicant did not start till then or even thereafter ~~was~~ when he retired from service ^{as such} ~~and~~ ^{as if} ~~as~~ ^{been} ~~had~~ entitled to entire salary allowances as if he had never placed under suspension. But if the proceedings ~~were~~ already started before his retirement, then after conclusion of the proceedings ~~that this~~ ^{the} question will be considered whether the applicant is entitled to entire salary allowances or not. More ~~or~~ so in view of the fact that the suspension order has been revoked. Whatever may be the position, let the same may be decided within a period of 3 months. Thereafter the entire amount whichever is due may be paid to the applicant. With the above observations, the application is disposed of finally. No order as to be costs.

smc


Member (A)


V.C.

Allahabad
dt. 3.7.92