

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH), ALLAHABAD .

O.A.NO. 284
F.A.NO.

OF 1992

Date of decision : 13/5/92

R. P. Bhattacharya Petitioner
Shri A. K. Tag Advocate for the Petitioner .

Versus

U. O. I. Officers Respondent
Smt. Amit Shukla Advocate for the Respondent (s) .

CORAM:-

The Hon'ble Mr.

Justice U. C. Srivastava, V.P.

The Hon'ble Mr. A. B. Gorai, 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 ?

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Signature

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A. No. 284 / 92

R. P. Bhatnagar Applicant

Vs.

Union of India & Others Respondents

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

Hon. Mr. A. B. Gorthi, A.M.

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

The applicant was superannuated on 31-12-1991. This order of superannuation dated 8-1-1992 was received by him on 10-1-92, informing him that he was superannuated. Prior to this order, vide order dated 30-12-1991 i.e. a day prior to the date of his retirement from service a suspension order was passed which was duly served upon him.

2. The applicant challenged the said suspension order on a variety of grounds and he prayed that the said suspension order be quashed and he may be granted all other retirement benefits, leave encashment of 240 days, General Provident Fund and Insurance. The respondents while justifying the suspension order have stated that large financial irregularities involving several thousands of rupees of Govt. money in the unit in which the applicant was incharge were detected by Central Bureau of Investigation and the records have been seized for enquiry and investigation and that is why he was placed under suspension on 30-12-1991. Under C.C.S. Pension Rule 69, the applicant is only entitled for provisional pension till the finalization of the disciplinary case against him. Admittedly the disciplinary proceedings against him have not yet been initiated. He was placed under suspension a day prior to his retirement on the ground that disciplinary proceedings are contemplated against. The relationship of

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'master and servant' between the applicant and respondents came to an end w.e.f. 31-12-1991. The applicant who ceases to be an employee of the respondent, cannot be placed under suspension. Accordingly the suspension order itself lapses. But in order that the position may be clear, the suspension order is hereby quashed, specifically on the ground that after retirement of the applicant no suspension order can subsist against an ex-employee. Now, it is for the department to proceed in accordance with law. In case no enquiry takes places against the applicant he may be given all pensionary benefits with interest.

3. With the above observations the application of the applicant is allowed. No order as to cost.

Member (A)

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Vice-Chairman.

Dated 13th May, 1992, Allahabad.

(tgk)