

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 3rd day of February 2000.

Original Application no. 1133 of 1992.

Hon'ble Mr. S. Dayal, Administrative Member

Hon'ble Mr. Rafiq Uddin, Judicial Member

Raj Kumar Sonkar, A/a 25 Years,  
S/o Shri B.N. Sonkar,  
R/o 116 D, Railway Quarter,  
Leader Road,  
Allahabad.

... Applicant

C/A Shri R.K. Pandey

Versus

1. Union of India, through the General Manager,

Northern Railway,

Baroda House,

NEW DELHI.

2. The Divisional Railway Manager,

Northern Railway,

ALLAHABAD.

3. Senior Commercial Superintendent,

Northern Railway,

ALLAHABAD.

... Respondents.

C/R Sri A.V. Srivastava

O R D E R

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

This OA has been filed for declaring impugned suspension order dated 30.10.86 as null and void and for re-instatement of the applicant on the post of clerk with all consequential benefits.

2. This application was filed in the year 1992 and the ground for seeking relief in this case are long period for which the applicant has been under suspension. It has been brought on record by the respondents that the applicant fraudulently sought appointment on compassionate ground in class III by producing false High School marks sheet showing him <sup>as</sup> having passed High School in 1982. On verification from Secretary U.P. Board of Secondary Education Allahabad it was found that the applicant had failed in High School Examination in 1982. The Principal C.A.V. Inter Collage, Allahabad also mentions that the applicant had failed in High School Examination in 1982. The case under section 420/466/467/471 I.P.C. was <sup>registered</sup> ~~restored~~ and charge sheet has been filed by the C.B.I. in the Court of law and trial of the applicant is pending.

3. The applicant was placed under suspension by order dated 30.10.86 on the ground that criminal offence is under investigation. The applicant filed claim representation dated 24.06.88 stating that he was not at fault and his 50% of emoluments being paid as suspension allowance be increased as per rules and the arrears paid to him. Another representation dated 11.04.89 has been annexed to

the O.A. in which again the applicant sought enhancement of the suspension allowance. The respondents have initially reduced his suspension allowance as <sup>was</sup> initially given to him by 50% by order dated 27.12.89. Subsistence allowance was, however, restored to 50% of emoluments by order dated 29.11.90. The respondents have mentioned in the CA with regard to delay that the applicant was absent on number of times and bailable warrant has been issued against him to secure his <sup>attendance</sup> ~~attitude~~. Costs were also imposed to the applicant for non appearance due to which the subsistence allowance had been reduced. This was also subsequently restored by aforesaid order dated 29.12.90. The respondents have mentioned in the counter affidavit that the delay in trial was being cause by the applicant. He has also drawn attention to the gravity of offence.

4. We find that the applicant has filed an appeal against the order of suspension by his representation dated 11.04.89 in which a-part from enhancement of suspension allowance, he has also sought revocation of order of suspension. This appeal does not appear to have been decided by the respondents.

5. We at this stage considered proper to direct the respondents to dispose of appeal of the applicant by reasoned and speaking order within a period of 3 months from the date of communication of this order along with copy of appeal.

6. There shall be no order as to costs.

*R. T. M. M.*  
Member-I

*Shay*  
Member-A