

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A. №.1320/92

A. P. Gupta

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Applicant,

Vs.

Union of India &
Others.

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Respondents

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

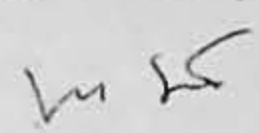
Hon. Mr. V. K. Seth, A.M.

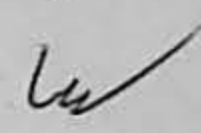
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was Extra Departmental runner attached to the post office of the Fertilizer Factory, Gorakhpur. He was put off from duty vide order dated 3-10-87 for mis-use of official information and sending anonymous complaint on the basis of official information during the course of making entry in a particular register with the intention to harm Extra Departmental Branch Post Master and sending unpaid letters containing abuses to mother and daughter of the Extra Departmental Branch Post Master. The applicant was put off ~~from~~ duty and as a result of departmental enquiry he was removed from service vide order dated 30-7-88. The applicant has approached this Tribunal against his removal order. The application was allowed and he was taken back on duty vide order dated 25-8-88. Thus he remained out of employment from 4-10-87 to 3-10-88 as put off period from duty and from 1-8-88 to 31-8-89 as removed period from duty.

2. According to the applicant as he has been taken back on duty and the removal order was quashed, he is entitled for pay and allowances for the above-mentioned period. As the removal order was quashed and he has been reinstated back in service it will be taken as if removal order never existed. The applicant has already

been reinstated back in service on 3-1-88 and was allowed to resume duty from 31-8-89, even if the earlier period i.e. the period during which he was put off from duty, is excluded, there was no justification to deprive him of the pay and allowances for the period from 3-1-88 to 31-8-89 as it was held that he was on duty and deemed to be continuing on duty. Accordingly this application is allowed in part and the respondents are directed to pay the applicant pay and allowances for the period from 1-1-88 to 31-8-89. This payment shall be made to the applicant within a period of 3 months from the date of communication of this order. If the respondents do not pay this amount to the applicant within this stipulated period of 3 months, the respondents shall pay interest on the said amount at the rate of 12% per annum. With the above observations the application stands disposed of. No order as to the costs.


Member (A)


Vice-Chairman.

Dated: 13th April, 1993, Allahabad.

(tgk)