

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALIAHABAD BENCH  
ALIAHABAD.

DATED : ALLAHABAD THIS THE 16th DAY OF AUGUST 1995.

O. A. NO. 804 of 1993.

P. K. Shukla son of Sri Luxmi Narain Shukla,  
T.No. 115/OC (OA) O.F.C. Kanpur.  
Resident of House No.119/226,  
Om Nagar, Darshanpurwa, Kanpur.... applicant.  
(By Advocate Sri M. A. Siddique.)

Versus

1. Union of India,  
through the Secretary,  
Ministry of Defence,  
(Department of Defence Production),  
South Block, New Delhi.

2. The Chairman,  
Ordnance Factories Board,  
10-A, Auckland Road, Calcutta-1.

3. The General Manager,  
Ordnance Factory, Kanpur.

...respondents.  
(By Advocate Sri Amit Sthalker)

*SK*  
CORAM : Hon'ble Mr. T. L. Verma, Member-J.  
Hon'ble Mr. S. Dayal, Member-A.

ORDER

(By Hon. Mr. T. L. Verma, JM)

Heard Sri M. A. Siddique for the applicant  
and Shri Amit Sthalker for the respondents.

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2. A departmental proceeding was drawn up against the applicant, an employee of the Ordnance Factory, Kanpur. The disciplinary authority after agreeing with the finding recorded by the Inquiry Officer imposed penalty of reduction in pay to Rs. 1200/- in the time scale of Rs. 12-1800 for a period of four years with cumulative effect from the date of order. In appeal, the penalty order passed by the disciplinary authority has been set-aside. The appellate Authority however, has not passed any order as to how the period during which the applicant was under suspension and the period of his punishment should be treated.

3. This application was filed in 1993 while the departmental appeal was pending, for quashing the impugned order of penalty and for issuing a direction to pay all the wages and allowances to the applicant with effect from 19.9.1981. In view of the fact that the order imposing penalty of reduction in pay has been set aside by the Appellate Authority, this application, in so far as the first relief is concerned, has become infructuous. The competent authority (Appellate Authority) ought to have passed some order under F.R. 54-B as to how the period during which the applicant was under suspension and the period of punishment, should be treated. This not having been done, the prayer for issuing a direction to the Respondents to pay the wages and allowances to the Applicant remains to be adjudicated.

12/3.

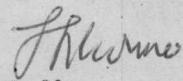
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4. In view of the above, we consider that direction to the respondents be issued to pass an appropriate order under the provisions of F.R.54-B as to how the period during which the applicant was under suspension and the period of punishment be ~~alone~~ regularised. With this direction we dispose of this application. This direction shall be complied with within a period of three months from the date of ~~xxxxxx~~ service of the certified copy of the order.



A.M.



J.M.

VKP/-