

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 435 of 1995

Allahabad this the 17th day of April 2000

Hon'ble Mr. S. K. I. Naqvi, Member (J)

Hon'ble Mr. S. Biswas, Member (A)

Chhotey Lal Son of Late Shri Ram Ashrey, Ticket No. 60 A.C. Air Conditioned Khalasi in A.C. Shop, Carriage and Wagon Shop, Northern Railway, Alambagh Lucknow, at present residing at 8 B/CTX Compound, Ashok Marg, Allahabad.

Applicant

By Advocate Shri O.P. Gupta

Versus

1. Union of India through the Deputy Chief Mechanical Engineer, Carriage and Wagon Shop, Alambagh, Lucknow.
2. Shri D.R. Sethi, A.W.E.E. Carriage and Wagon Shop, Alambagh, Lucknow.
3. A.W.E.E. Carriage and Wagon Shop, Alambagh, Lucknow.

Respondents

By Advocate Shri A.K. Gaur

ORDER (Oral)

By Hon'ble Mr. S. K. I. Naqvi, Member (J)

Shri Chhotey Lal has come up before the Tribunal for direction to the respondents to revoke the suspension and to make payment of the suspension allowance w.e.f. 01.2.1977 and also to conclude the

departmental inquiry which is pending for last 19 years. Through amendment another relief has been sought, for direction to the respondents to pay full salary to the applicant for the post he was holding at the time of suspension and to treat him as on continuous service.

2. As per applicant's case while he was working as Khalasi with the respondents, he was suspended w.e.f. 01.2.1977 but no departmental inquiry has been initiated nor subsistence allowance granted to him till the submission of O.A. in the year 1995, and therefore, he has come up before the Tribunal.

3. The respondents have contested the case and filed the counter-reply.

4. As per admitted case, after notices were issued to the respondents they started the departmental inquiry, which has been concluded and findings submitted on 29.6.1998, copy of which has been brought on record through annexure by amendment in the pleadings. This inquiry report goes to show that the charges levelled against the applicant Chhote Lal stood unproved but as mentioned by the learned counsel for the applicant no further consequential action has been taken by way of his re-instatement or payment of unpaid subsistence allowance.

5. Keeping in view the pleadings and submissions from either side, we find it a fit matter

to direct the respondents to issue appropriate orders within 2 months regarding the re-instatement of the applicant and payment of unpaid subsistence allowance, as the position may come out after consideration of departmental proceedings. Nothing placed before us to disagree with the mention in the inquiry report that pending suspension, the applicant could not be removed from the service roll.

6. The O.A. is disposed of with the above directions. No order as to costs.

S B
Member (A)

(K C)
Member (J)

M.M. /