

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL AT LAHABAD BENCH
ALIAHABAD**

Allahabad : This the 23rd day of January, 1996.

ORIGINAL APPLICATION No. 862 of 1995.

Hon'ble Mr T. L. Verma, Member - J
Hon'ble Mr D. S. Baweja, Member - A

C/A Shri Satish Dwivedi

Versus

1. Union of India, through the General Manager, Northern Railway, Baroda House, New Delhi
2. The Divisional Railway Manager, Northern Railway, Allahabad
3. The Assistant Engineer, Northern Railway, Aligarh.
4. Sri P.L.Arora, Permanent Way Inspector, Northern Railway, Aligarh.

... Respondents.

C/R Shri G.P.Agrawal.

ORDER (Oral)

By Hon'ble Mr T. L. Verma, Member-J

The applicant while working as Black Smith under P.W.I. Northern Railway, Aligarh, was put under suspension by order dated 15.3.94 in contemplation of disciplinary proceedings. The suspension order was, however, revoked with effect from 25.5.94 vide Annexure A-3. It is stated that neither subsistence allowance nor salary has been

paid to the applicant for the period during which he was kept under suspension. He has, therefore, made representation to the Divisional Railway Manager, Northern Railway, Allahabad on 12.6.1994 when the representation did not evoke any response. The applicant sent legal notice to the respondents on 12.9.1994 as neither the representation nor any other has been revoked with response, hence this application has been moved for issuing a direction to the respondents to pay salary and other allowances to the applicant for the period 15.3.1994 to 25.5.1994.

2. The claim of the applicant has been resisted by the respondents by filing Counter-Affidavit. In the Counter-affidavit, it has been stated that the subsistence allowance for the period of suspension was arranged but the applicant did not collect the same.

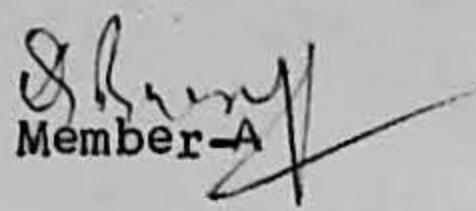
3. We have heard learned counsels for the parties and have perused the record. The admitted position is that neither any disciplinary proceeding was initiated after the applicant was put under suspension nor any disciplinary proceedings is pending against him. The respondents, no doubt, had power to put the applicant under suspension for in-completion of the disciplinary proceedings but the fact remains that no disciplinary proceedings has been initiated and the averments in the Counter-Affidavit filed on behalf of the respondents does not intend to initiate any disciplinary proceedings in future for any mis-conduct on the part of the applicant. Therefore, in our opinion, suspension of the applicant was wholly unjustified. The competent authority, therefore, should have been regularised the period of suspension while revoking his suspension. In the circumstances of the case we find that the applicant was entitled to full pay and allowances

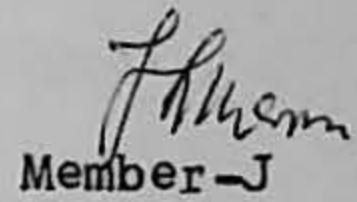


to which he would have been entitled had he not been suspended.

4. In view of the above, this application is allowed and the respondents are directed to pay full pay and allowances to the applicant for the period of suspension with cost which is qualified at Rs.200/-.

DL/


Member-A


Member-J