

1.5.2002

Hon'ble Mr. C.S. Chadha .. AM

Hon'ble Mr. A.K. Bhatnagar .. JM

Shri M. Lal for the applicant and Shri P. Mathur for the respondents. Arguments heard.

The case of the applicant is that the period of suspension of 7 years has not been counted towards the period of service for calculating his pay. It has been brought to our notice that the matter is pending with the administrative authorities in an appeal which was directed by this Tribunal to be decided within 2 months.

We find that since the departmental remedy has not been exhausted, this O.A. is pre-mature. It is likely that after considering the appeal, the order may be in favour of the applicant. If it is not, the applicant is entitled to file a fresh O.A. The counsel for the applicant states that already two months have passed and his appeal has not been decided. To ensure compliance, we give a further direction that the appeal must be decided within a specified time from the date of communication of this order. Otherwise, the respondents shall be committing the contempt of the Tribunal.

We therefore, dispose of the O.A. with a direction to the respondents to decide the appeal of the applicant positively within the next two months (after the communication of the order). This order is without prejudice to the claim of the applicant for which he can file a fresh O.A. if the applicant does not receive the right relief from the department. No order as to costs.

See
MEMBER (J)

B. S. Chatterjee
MEMBER (A)

psp.