

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 29th day of September, 2000

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. S. Biswas, Member- A.

Orginal Application No. 1078 of 2000.

(Captain) S.C. Gulati,
House No.18 H.I.G (D) A.D.A, Awantika
Naini, Allahabad- 211008.

..... Applicant

Applicant inperson.

V E R S U S

1. Union of India
through the Development Commissioner
Nirman Bhawan, New Delhi-11.

2. Sri Shamohu Singh, Jt.D.C. (ssi) and D.A.
Nirman Bhawan, New Delhi- 110011.

..... Respondents.

Counsel for the respondents :-

O R D E R (Oral)

(BY Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

This application has been filed under section
19 of the Administrative Tribunal's Act, 1985 for

direction to the respondents to pay salary to the applicant for the period 01.08.95 to 02.06.99 in terms of re-employed pensioner. He has also paryed for 18% interest on the said amount. It is submitted that the applicant retired from service on 31.07.95 on attaining the age of superannuation. However, disciplinary proceedings were initiated against him continued until 02.06.99. The applicant has also submitted that for this period as he was forced to face disciplinary proceedings, for which he may be deemed as re-employed pensioner and he is entitled for pay.

2. We have very anxiously considered the submission made by the applicant. However, we do not find any substance. The deeming clause in Rule 9, sub rule 2 (a), is only for the purpose of concluding the enquiry. Such a provision became necessary as master and servant relationship ceased to exist between the applicant and the Government, from the date he attained the age of superannuation. But on the basis of aforesaid provision he could not claim regular salary. The orginal application is misconcived and is accordingly dismissed.

3. There will be no order as to costs.

S. O. C.

Member- A

R. J.

Vice-Chairman

/Anand/