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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 23rd day of AUGUST 2007.

Original Application No. 833 of 2007.

Hon'ble Mr. P.K. Chatterji, Member A

Raj Kishore, S/o late China Ram, Asstt. Electric Driver, 10 Kariyappa Road, New Cantt. Police Station Cantt, Distt: Allahabad.

By Adv: Sri S.M.A. Naqvi

.... Applicant

V E R S U S

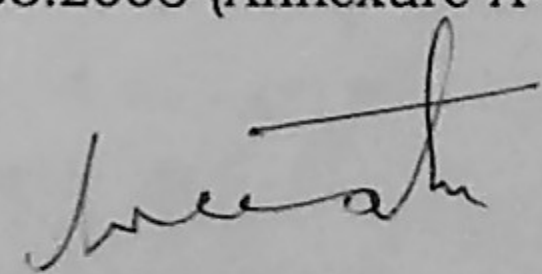
1. Union of India, through General Manager, North Central Railway, Allahabad.
2. Senior Divisional Electric Engineer (Operation), North Central Railway, Allahabad.
3. Divisional Electric Engineer (Operation), North Central Railway, Allahabad.

..... Respondents

By Adv: Sri P.N. Rai

O R D E R

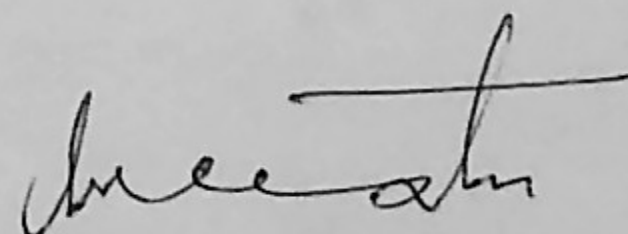
The applicant is a driver working under respondent No. 3 i.e. Divisional Electrical Engineer (Operating), North Central Railway, Allahabad. He was charge sheeted on 25.05.2004 by respondent No. 3 for unauthorized absence from duty. The charge sheet ended in dismissal from service. He, however made an appeal to the Senior Divisional Engineer (respondent No. 2) upon which he was exonerated from charge vide order dated 13.03.2006 (Annexure A-4).



2. The applicant however, is aggrieved that he has not been paid salary for the period from 03.06.2005 to 13.03.2006, the period during which he was placed under suspension. The disciplinary rules which govern the service of the applicant, however, stipulated that whenever the disciplinary proceedings is concluded by awarding penalty or exoneration of the charge the authority should decide the manner in which suspension period is to be treated and if as period of duty, the official should be entitled to get salary for the same period. However, the disciplinary proceeding was concluded and no order has been issued by the competent authority regarding manner in which the suspension period should be treated.

3. Having gone through the facts of the case I am of the view that the OA need not be kept pending before the Tribunal. The applicant has already made representation to respondent No. 2 requesting him to consider his case and pay the salary for the period after he was exonerated from charge on appeal. I, therefore, direct respondents No. 2 and 3 to take up the matter, consider the representation and issue appropriate order on treatment of period of suspension in accordance with relevant disciplinary rules. This should be done within a period of three months from the date of receipt of copy of this order. With this direction the OA is disposed of. No cost.

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Member (A)