

NO
Payment of
full pay & allowance
for the period of
suspension

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 174/89

~~XXXXXX~~

DATE OF DECISION 19.8.1992

Madanlal Meena Petitioner

Mr. J.R. Nanavati Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. M.R. Bhatt Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.N.V. Krishnan : Vice Chairman

The Hon'ble Mr.R.C. Bhatt : Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

Madanlal Meena,

... Applicant.

Vs.

1. Union of India,
Through:
The Secretary,
Ministry of Finance,
Department of Revenue,
Central Secretariat,
New Delhi.
2. Shri G.N. Gupta or his Successor,
Chairman,
Central Board of Direct Taxes,
Department of Revenue,
North Block,
Central Secretariat,
New Delhi,
3. Shri P.R. Ravikumar or his Successor,
Under Secretary to the
Government of India (Vig. and Lit)
Ministry of Finance,
Department of Revenue,
Central Secretariat,
New Delhi.
4. Shri N.P. Bhat or his successor in
office, The Chief Commissioner of
Income Tax, for Gujarat State,
Aayakar Bhavan,
Ashram Road,
Ahmedabad.

... Respondents.

ORAL JUDGMENT

O.A./174/1989

Date: 19.8.92

Per: Hon'ble Mr. R.C. Bhatt

: Member (J)

1. Mr. J.R. Nanavati, learned advocate for the applicant and Mrs. Bhatt for Mr. M.R. Bhatt learned advocate for the respondents are present.

2. This application is filed by the applicant Dy. Commissioner (Assessment) of Income Tax (O.S.D.) under Section 19 of the Administrative Tribunals Act, 1985, seeking

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: 3 :

the direction against the respondents to pay him full pay and allowances along with due increments for the period of suspension and thereafter and the entire period of suspension be treated as period of duty for all purposes. The applicant has alleged in the application that the order of suspension was passed against him on 12th May, 1986 suspending him from the post of Inspecting Assistant Commissioner (Assessment) Income- Tax, Baroda with the result that he was obliged to file O.A./599/87 before this Tribunal challenging the same. The applicant has produced at Annexure A/2 the order passed by this Tribunal dated 6th July, 1988 in which it was held as under :

"The learned counsel for the respondents states that in terms of para 4 of the affidavit filed by the Under Secretary to the Government of India, the inquiry is completed and if no steps are taken before 30th June, 1988, the suspension order may be treated as revoked from 1st July, 1988"

It is the case of the applicant that the suspension was accordingly revoked with effect from 1st July, 1988, by order dated 29th August, 1988 produced at Annexure A/3. Learned counsel for the respondents also does not dispute this position. Therefore, the question arises as to whether the applicant is entitled to the relief sought by him namely directions regarding payment of full pay and allowances during period of dated 20.5.1986 to 30.6.1988 and also for the relief that this entire period of suspension should be treated as period spent on duty for all purposes.

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3. The respondents in the reply have taken several contentions but at the time of hearing of this O.A. the

learned counsel for the respondents submitted that ~~in view of~~
~~the fact that~~ the respondents have passed the order dated

29.8.1988 revoking the suspension of the applicant from 1st

July, 1988, ^{Moreover} ~~and~~ there is ~~a~~ exoneration of the applicant in the departmental inquiry and he was discharged by the criminal court

from the criminal ^L proceeding against him. This fact is also not disputed before us by learned advocate of the respondents.


The applicant would be ^{therefore} ~~also~~ entitled to relief of full pay and also for the relief that entire period of suspension should be treated as period spent on duty for all purposes.

4. Learned counsel for the respondents submitted that 50 % of the pay has already been given to the applicant as subsistence allowance during suspension period, therefore, the remaining amount of the pay of that period only be directed to be paid to him.

5. The learned advocate for the applicant submitted that the respondents should be directed to pay interest at 12 % per annum as delay is caused in paying the balance of 50 % ~~xx~~ of pay and allowances. Learned counsel for the respondents submitted that as the matter was pending before this Tribunal and also as no interest is claimed by the applicant in this O.A., the direction should not be given for payment of interest. We have heard the learned advocates and having considered the facts of the case, we pass the following order:

ORDER

The application is allowed, and the respondents are directed to pay the remaining amount of pay and allowances for the period ~~of~~ from 20th May, 1986 to 30th June, 1988 within two months from the date of receipt of this order. The respondents are also directed to treat entire period of suspension of applicant as period spent on duty for all purposes. No order as to costs. Application is disposed of accordingly.



(R.C. Bhatt)
Member (J)



(N.V. Krishanan)
Vice Chairman