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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original application No. 481 of 1990

Date of decision 30.4.1992

Giridhari Ram

Applicant

Versus

Union of India & Others

Respondents

For the applicant

Mr.D.P.Dhalasamant,  
Advocate

For the respondents

Mr.A.K.Mishra,  
Standing Counsel  
(Central Government)

...

C O R A M

HON'BLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MR.C.S.PANDEY, MEMBER (ADMINISTRATIVE)

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *A*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985 the petitioner prays for a direction to be given to the opposite parties to pay to the petitioner backwages from 23.3.1978 till the date of reinstatement (5.10.1988).

2. Shortly stated the case of the petitioner is that he was placed under suspension on a contemplated proceeding while he was functioning as E.D.D.A. Babujang Branch Office. Since no progress was made in connection with the initiation of the departmental proceeding, this Bench by its judgment passed in O.A. No.200/88 dated 8th September, 1988 quashed the proceeding against the petitioner and directed his reinstatement. Though the petitioner has been reinstated, backwages have not been paid to him.

3. In their counter the opposite parties maintain that Rule-9 creates a bar for payment of backwages and this Bench had not given any direction to that effect in the judgment mentioned above.

4. We have heard Mr.Dhalasamant, learned counsel for the petitioner and Mr.A.K.Mishra, learned Standing Counsel for the Central Government. The settled position of law is, by virtue of judgments of different Benches including the Cuttack Bench, is that E.D.D.A. who has been put off from duty and reinstated into services will be entitled to backwages for the period of suspension.

5. We would therefore direct that the petitioner

be paid his backwages for the period of suspension within 90 days from the date of receipt of a copy of this judgment ~~falling~~ <sup>in respect</sup> which the erring officer would be liable to pay <sup>in</sup> from his own pocket at the rate of 12 per cent per annum. Thus the application stands allowed leaving the parties to bear their own costs.

*Chandray*  
MEMBER (ADMINISTRATIVE)

*30/4/92*  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 30th April 1992/Sahoo

