

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 11.12.1998.

O.A. No. 197/1998

Brahm Prakash Bhatnagar son of late Shri Govind Swaroop Bhatnagar aged 53 years working as Travelling Ticket Examiner (TTE) Northern Railway at Sadulpur Jn. District Churu - Address : House No.7, 7th South Extension, Pawanpuri, Bikaner.

... Applicant.

v e r s u s

1. Union of India through the General Manager, Northern Railway Headquarters, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Bikaner.
3. Senior Divisional Commercial Manager, Northern Railway, Divisional Office, Bikaner.
4. Senior Divisional Personnel Officer, Northern Railway, Divisional Office, Bikaner.

... Respondents.

Mr. Bharat Singh, Counsel for the applicant.

CORAM:

Hon'ble Mr.A.K. Misra, Judicial member.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. A.K. Misra)

We have heard the learned counsel for the applicant.

2. The applicant has prayed that the respondents be directed to pass a specific order in terms of Rule 1343 and 1345 of Indian Railway Establishment Code - Vol. II to treat the suspension period of the applicant from 1.3.90 to 16.3.90 as spent on duty for all consequential

[Handwritten signature]

9

benefits, including payment of subsistence allowance and pay and allowances.

3. The applicant, who was working as Travelling Ticket Examiner, was put under suspension on 1.3.90 vide order dated 26.2.90 (Annexure A/1). The applicant remained under suspension upto 16.3.90 and his suspension was revoked by order dated 16.3.90 (Annexure A/2). The applicant is said to be on duty thereafter.

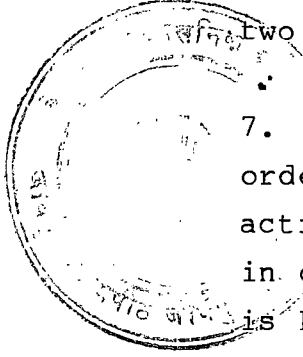
4. Learned counsel for the applicant has argued that no decision in respect of suspension period of the applicant has been taken by the authorities concerned and this period of suspension has not been regularised. The learned counsel apprehends that his client's career may affect adversely in absence of regularisation of the suspension period. The learned counsel has also drawn our attention to Annexures A/3, A/4 and A/5 which are representations on behalf of the applicant for payment of full salary of the suspension period. He further submits that inspite of these representations neither the salary has been paid nor a decision in respect of regularisation of the suspension period of the applicant has been taken.

5. We have considered the arguments and facts of the case. In fact, as per rules, the concerned authority has to take positive decision in respect of suspension period of an employee when the employee is taken back on duty. But in the present case, no such decision has been taken by the concerned authority. Learned counsel for the applicant, at this stage, prays only for a direction to the respondents to pass order in respect of the period of suspension in terms of para 1345 (6) of Indian Railway Establishment Code - Vol. II. We have considered the prayer. The case can be disposed of as prayed for at the stage of admission.

6. The O.A. is, therefore, accepted. The respondents are directed to take decision in respect of suspension period of the applicant beginning from 1.3.90 to 16.3.90 in terms of para 1345 (6) cited above, within a period of

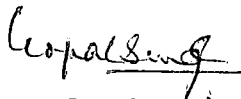
2/11/90

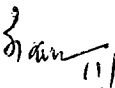
8



Two months from the date of communication of this order.

7. Let a copy of the O.A. alongwith a copy of this order be sent to the respondents for taking necessary action. The right of the applicant to come to the Court in case he is aggrieved by the decision of the respondents is kept open.


(Gopal Singh)
Adm. Member


11/11/98
(A.K. Misra)
Judl. Member

cvr.

Part II and III destroyed
in my presence on 7.4.96
under the supervision of
section officer as per
order dated 28/12/95

Section officer (Record)

Copy of order sent to
Counsel for Pet
& Copy of order on a/w, 4/3
of Petition Annexure sent
to R/1 to R/4 by Regd
As vide No 504 to 508
dt 28-12-98

28/12/98

AD of applicant
& R/3, 4 attached
in third
set
4/1/99