

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A. No. : 70/1998 \

Date of Order : 07-01-1999

Hargurbax Singh S/O Shri Kapur Singh, aged about 32 years, resident of C/O Raju Singh, Gadra Road, Distt. Barmer (Rajasthan), presently posted as Clerk in the office of PWI, Gadra Road, Barmer.

..Applicant.

Versus

1. Union of India,
through the General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway, Jodhpur Division,
Jodhpur.
3. Divisional Engineer/Assistant Engineer,
Northern Railway,
Barmer (Rajasthan).
4. General Manager,
Rail Coach Factory,
Kapurthala (Punjab).
5. Senior Civil Engineer,
Rail Coach Factory,
Kapurthala (Punjab).

..Respondents.

Mr. S.K. Malik, counsel for the applicant.

Mr. S.S. Vyas, counsel for the respondents.

CORAM :

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

Hon'ble Mr. Gopal Singh, Administrative Member.

PER HON'BLE MR. GOPAL SINGH :

Applicant, Hargurbax, Singh has filed this application under section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 24.7.1989 at Annexure A/1 and further for issuing a direction to the respondents to revoke the suspension order and regularise the period of suspension and accordingly make payment of pay and allowances which are due to the applicant with effect from the date of suspension with all consequential benefits including seniority and promotion. The applicant has also prayed for a direction to the respondents to release subsistence allowance with effect from 24.4.1996 till date alongwith interest of 24% per annum.

2. The case of the applicant is that while he was working on the

Gopal Singh

post of Clerk in the office of respondent No. 5, he was suspended vide impugned order dated 24.7.89 (Annexure A/1), because he was allegedly involved in a criminal case. While under suspension, the applicant was transferred to Jodhpur Division vide respondent letter dated 20.10.1991, where he joined in August, 1995. It has further been averred by the applicant that he has not been paid subsistence allowance from 24.4.96 onwards. In the criminal case where the applicant was allegedly involved was decided by the Sessions Judge, Kapurthala vide his order dated 18.9.1992 where the applicant was acquitted of the charges giving the benefit of doubt. Thereafter, the applicant had approached various authorities to revoke his suspension order, but in vain. Feeling agrieved, the applicant has approached this Tribunal.

3. Notices were issued to the respondents and they have filed their reply. It has been stated on behalf of the respondents that the applicant received the suspension allowance for the month of April on 20.5.1996 and, thereafter, he left his Headquarters without permission and never reported back and, therefore, the suspension allowance could not be paid to him. The respondents have also stated that many letters were issued to the applicant at his local address as also at permanent address but the applicant did not turn up. In regard to revocation of the suspension order, it has been submitted by the respondents that the case for issuing a chargesheet to the applicant is under consideration with the competent authority and that no final orders were received from the authorities in regard to revocation of the suspension.

4. We have heard the learned counsel for the parties and perused the records of the case.

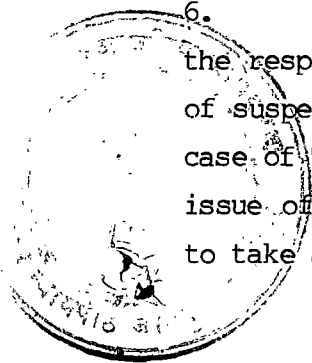
5. A perusal of the records reveals that after acquittal by the Sessions Court, Kapurthala, another employee named Trilochan Singh was reinstated vide respondents letter dated 11.8.1995 and the period of his suspension was treated as period spent on duty for all the purposes. However, it is seen that the case of the applicant is being tossed between the DRM, Jodhpur, RCF, Kapurthala and the Railway Board without achieving any result. As a matter of fact, immediately after the acquittal by the Court, the respondents should have taken a review on revocation of suspension order in respect of the applicant. As has been mentioned above, the case of Shri Trilochan Singh, who was also involved in the said criminal case was decided by the respondents on 11.8.1995, we see no reason as to why the case of the applicant could not have been decided simultaneously. The question of issuing a charge sheet

Unpaid

departmentally to the applicant should not have stood in the way of revocation of the suspension order. We are, therefore, of the view that the applicant is being unnecessarily harassed by not revoking his suspension order and further by not giving him the suspension allowances.

6. We, therefore, dispose of this application with the direction to the respondents to revoke the suspension order and regularise the period of suspension of the applicant on the same lines as has been done in the case of Trilochan Singh, within a period of three months from the date of issue of this order. This, however, would not preclude the respondents to take any disciplinary action against the applicant.

The parties are left to bear their own costs.



Gopal Singh
(GOPAL SINGH)
MEMBER (A)

7/11/99
(A.K. MISRA)
MEMBER (J)