

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Jodhpur, this the 22nd day of April, 2014

Original Application No. 555/2013

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Member (Judicial)

Hon'ble Ms Meenakshi Hooja, Member (Administrative)

Banshidhar Meena s/o Shri Surajmal Meena, aged about 49 years, r/o H.No.2/2 P&T Colony, Shastri Nagar, Jodhpur, District-Jodhpur (Office Address- Employed as Postal Assistant at Jodhpur HO)

.....Applicant

By Advocate: Mr. S.P.Singh

Versus

1. Union of India through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur
3. The Director, Post Master General, Western Region, Jodhpur
4. Senior Superintendent of Post Offices, Jodhpur Division, Jodhpur

.....Respondents

By Advocate : Mr. Aditya Singhi on behalf of Ms. K.Parveen

ORDER (ORAL)

Per Justice K.C.Joshi, M(J)

The present OA has filed by the applicant challenging the action of the respondents whereby he has not been paid pay and allowances of the suspension period and, therefore, he has prayed that the

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impugned order dated 31.7.2008 (Ann.A/1) forwarded by respondent No.4 may kindly be declared illegal, unjust and be quashed and set aside. It has also been prayed that the respondents may be directed to treat the intervening period from 31.7.2008 to 20.1.2009 as duty and pay all consequential benefits to the applicant.

2. Facts in brief, as stated by the applicant, are that while he was posted at Phalodi Post Office, it was alleged that the applicant did not enter the amount of Rs. 970/- in daily account and did not pay Rs. 220/- in treasury against the amount collected from dispatched Speed Post. The respondents initiated disciplinary proceedings and the applicant was placed under suspension. It is stated by the applicant that since the respondents have not revoked or continued the suspension order before expiry of 90 days, therefore, the suspension order is invalid by virtue of sub-rule 6 and 7 of Rule 10 of CCS (CCA) Rules, 1965. According to the applicant, since the suspension of the applicant was revoked after more than 5 months, therefore, the suspension order passed by the respondents is invalid. The applicant also filed representation for pay and allowances of suspension period but no heed was paid by the respondents. Thereafter the respondents passed punishment order dated 12.7.2013 awarding penalty of withholding increment without cumulative effect but the respondents did not pay the pay and allowances for the intervening period from 31.7.2008 to 20.1.2009. Therefore, the applicant has filed the present OA.

3. By way of filing reply to the OA, the respondents have submitted that case of the applicant could not be reviewed before expiry of 90 days as required under sub-rule 6 and 7 of Rule 10 of CCS (CCA) Rules, 1965 due to some administrative reasons and the period from 1.8.2008 to 20.1.2009 is under consideration with the office of the respondents department for regularization and will be decided soon.

4. Heard both the parties. Counsel for the applicant contended that the respondent-department in para No. 5 of the reply admitted that suspension order dated 31.07.2008 could not be reviewed before expiry of 90 days due to some administrative reasons and they have further averred in the reply that the suspension period of the applicant from 01.08.2008 to 20.01.2009 is under consideration with the respondent-department for regularization. Counsel for the applicant further contended that in view of the clear admission in the averments, the respondent-department may be directed to take appropriate action as per rules as early as possible.

5. Counsel for the respondents contended that regularization of the said period is under consideration as per reply filed.

6. Having considered rival contentions and considering the reply filed by the respondent-department, we are intending to dispose of this OA with certain directions.

7. The OA is disposed of with the direction that respondent-department shall consider regularization of the suspension period as per relevant provisions within 3 months from the date of receipt of the order. The OA stands disposed of accordingly with no order as to costs.


(MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER


(JUSTICE K.C. JOSHI)
JUDICIAL MEMBER

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