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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENC

No. OA 860 of 97

Date of order : 8.1.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman
Hon'ble Mr. N. D. Dayal, Administrative Member

K. RABIDAS

VS

UNION OF INDIA & ORS.

For the applicant : Mr. B. Chatterjee, counsel

For the respondents: Mr. R. M. Roychoudhury, counsel

O R D E R

Justice B. Panigrahi, VC

In this case the applicant is said to have been facing a departmental proceeding and awaiting finalisation of the said proceeding he was placed under suspension. It appears from the submission advanced from the Bar that the departmental proceeding though culminated by the Disciplinary Authority with some punishment, but on an appeal the aforesaid punishment was revoked and he was directed to be reinstated in service. Therefore the applicant has prayed for full salary during the period of suspension by treating it as on duty.

Mr. Roychoudhury, ld. counsel appearing for the respondents has submitted on instruction that the Appellate Authority has not fully exonerated the applicant from the liabilities but directed to conclude the Disciplinary Proceeding by conducting the de novo enquiry and after giving opportunity of hearing to the applicant.

3. In that view of the matter whether the period of suspension would be treated as on duty or on suspension shall have to await till the finalisation of the departmental proceeding.

4. Mr. Chatterjee, ld. counsel for the applicant has however, refuted the said submission by stating that there is no disciplinary proceeding pending and that no fresh order of suspension has been

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passed by the authorities.

5. It goes without saying that after the applicant was reinstated in service the order of suspension must have been revoked. But the matter does not end there. In this application it is to be further decided as to whether the applicant can be given full salary for the period of suspension which he has undergone earlier. Since we are not in a position to take a view that disciplinary proceeding is pending for finalisation, we therefore ask the authorities to consider whether the disciplinary proceeding is still continuing or has already ended. In case there is no disciplinary proceeding pending they shall take a decision whether the period of suspension suffered by the applicant shall be treated as to be on duty and pass orders accordingly within 3 months from the date of communication of this order.

6. OA is therefore disposed of. No order as to costs.



MEMBER(A)

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VICE-CHAIRMAN