

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.1075 of 1997

Present: Hon'ble Mr. D. Purkayastha, Judicial Member

Anwar Hossain, S/O Late Neshar Ali of
Village Santipur, P.S. Kolaghat, Dist.
Midnapore

... Applicant

VS

1. Union of India, through the
Secretary, Ministry of Railways,
Rail Bhawan, New Delhi-110 001

2. The General Manager, South Eastern
Railway, Garden Reach, Calcutta-13

3. The Divisional Mechanical Engineer
(C & W), South Eastern Railway,
Kharagpur, Dist. Midnapore

4. Senior Divisional Personnel Officer,
South Eastern Railway, Kharagpur,
Dist. Midnapore

... Respondents

For the Applicant : Sk. S. Rahaman, counsel

For the Respondents: Mrs. B. Ray, counsel

Heard on 26.6.1998

: : Date of order: 26.6.1998

O R D E R

The grievance of the applicant in this case in short is that he was suspended from service on and from 22.2.69 and that suspension period continued upto 8.8.1972 and the applicant was placed under suspension since he was involved in a criminal case.

The applicant was ultimately acquitted of the criminal case by the order of the Hon'ble High Court of Cuttack and he was allowed to join in his service ^{before that} _{on 9.8.72 he was} acquitted from criminal case on 9.8.72.

But the respondents did not yet pass any order regarding the entitlement of salary for the period of suspension from 22.2.69 to 8.8.72 and he is also aggrieved by the non-payment of annual increment for the above period and non-receipt of 90 days' leave salary counting the leave due for the period of suspension. According to the applicant, he retired from service on 28.2.97.

Since the respondents did not pass any order regarding entitlement of salary for the period of suspension before his retirement on 28.2.1997, he has approached this Tribunal by this application.

2. Heard Mrs. Ray, learned counsel appearing on behalf of the respondents. It is stated by Mrs. Ray that the respondents were not served with a copy of the application till date. However, considering the submissions of the learned counsel of both the sides and after perusing the application, I think that it is a fit case for disposal at the stage of admission itself by giving a direction upon the respondents to pass an appropriate order on the grievance stated by the applicant in the application treating this application as a representation of the applicant within four months from the date of communication of this order and the applicant is directed to send a copy of this application to respondent No.3, i.e., Divisional Mechanical Engineer (C&W), South Eastern Railway, Kharagpur, Dist. Midnapore within seven days under registered post with A/D. With this observation the application is disposed of awarding no costs.

Handwritten signature and date: 26/6/98
(D. Purkayastha)

MEMBER (J)

26.6.1998