

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No.486 of 2013

Wednesday this the 24th day of September 2014

C O R A M :

HON'BLE Mr.M.KANTHAIAH, JUDICIAL MEMBER
HON'BLE Mr.P.K.PRADHAN, ADMINISTRATIVE MEMBER

Susil Kumar Saha,
S/o.Suresh Chandra Saha,
Retired Chief Catering Inspector,
Southern Railway, Thiruvananthapuram.
Residing at No.38, Subhash Nagar,
Vallakkadavu P.O., Thiruvananthapuram – 08.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

V e r s u s

1. Union of India,
represented by the General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 3.
2. The Additional Divisional Railway Manager,
Southern Railway, Thiruvananthapuram Division,
Thiruvananthapuram – 14.
3. The Senior Divisional Commercial Manager,
Southern Railway, Thiruvananthapuram Division,
Thiruvananthapuram – 14.
4. The Divisional Railway Manager,
Southern Railway, Thiruvananthapuram Division,
Thiruvananthapuram – 14.Respondents

(By Advocate Mrs.K.Girija)

This application having been heard on 24th September 2014 the
Tribunal on the same day delivered the following :-

ORDERHON'BLE Mr.M.KANTHAIH, JUDICIAL MEMBER

The applicant has filed this O.A for a declaration that the non-feasance on the part of the respondents to regularize the entire period of suspension with effect from 9.8.2008 to 7.1.2011 as duty is arbitrary, discriminatory, contrary to law and hence unconstitutional and for a direction to the respondents to treat the period of suspension with effect from 9.8.2008 to 7.1.2011 as duty with all consequential arrears of pay and allowances arising therefrom and for a further direction to pay the arrears of pay and allowances including arrears of revision of pension and other retirement benefits, which would accrue as a result of regularization of the period of suspension, within a time limit and also for grant of interest at the rate of 9% with effect from the date from which the arrears fell due month after month.

2. Respondents have filed reply stating that the Divisional Personnel Officer, Trivandrum has confirmed that the applicant was suspended for 90 days in the initial stage and that no review was done for further extension of the suspension as mandated by Railway Board Circular E(D&A)2004/RG 6.8 dated 19.7.2006 and upon which when the matter was referred to the Additional Divisional Railway Manager (Respondent No.2), he ordered that the first 90 days will be treated as suspension only and that the rest of the period after that will be treated as duty. Copy of the order issued by the Respondent No.2 is marked as Annexure R-1(a).

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3. From this it is clear that the order of suspension of the applicant is only for 90 days from the initial period ie. 9.8.2008 and the remaining period the respondents have treated as duty and as such the applicant is entitled for all the benefits. Accordingly, the claim of the applicant is allowed granting six weeks time to the respondents for making payment of arrears. In default, the respondents are liable to pay interest on the delayed payment from the date of entitlement till payment. Thus, the O.A is disposed of accordingly.

(Dated this the 24th day of September 2014)



P.K.PRADHAN
ADMINISTRATIVE MEMBER

M.KANTHAIAH
JUDICIAL MEMBER

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