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Central Administrative Tribunal, Lucknow Bench, Lucknow  
CCP No. 83/2003 in O.A.No.51/96

this the 13th day of April, 2004

HON'BLE SHRI S.P. ARYA, MEMBER (A)

HON'BLE SHRI M.L. SAHNI, MEMBER (J)

Latoor Singh s/o Faqir Chand r/o Sheikhpura Amma, Post  
Office Awwllpur, Dist. Moradabad. U.P.

...Petitioner

By Advocate:Sri M.A. Siddiqui

Versus

1. Sri R.C. Singh, Secretary, Railway Board, Rail Bhawan, New Delhi.
2. Sri Varun Bhatnagar, DRM, Northern Railway, Moradabad.
3. Smt. Tripti Gurha, Senior Divisional Operating Manager, Northern Railway, Moradabad.

...Contemners

By Advocate: None

ORDER (ORAL)

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

By order dated 18.11.2002 in O.A. No. 51/96, the order of the dismissal and the appellate order were quashed and set aside. Respondents were directed to reinstate the applicant forthwith and treat him as deemed suspended from the date of his dismissal. Respondents were at liberty, if so advised, to take up the proceedings from the stage of examination of the concerned doctor by giving an opportunity to cross examine and finalise the proceedings within six months. The intervening period was to be decided by the respondents after the conclusion of the proceedings in accordance with the extant rules and instructions.

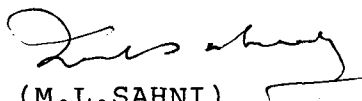
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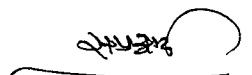
2. This CCP has been filed by the applicant stating that the applicant was reinstated in service w.e.f. 14.1.2003. Enquiry has been finalised and punishment of compulsory retirement has been imposed. The appeal filed against the order was rejected. The applicant was deemed suspended from 11.8.95 till 19.5.2003. He has alleged that he has not been paid the <sup>basic</sup> ~~suspension~~ allowance.

3. We have heard counsel for the applicant.

4. We find that the directions were for deemed suspension from the date of his dismissal. The enquiry has been finalised as directed. It appears that the intervening period has not been decided by the respondents. As a result thereof, suspension <sup>subsidary</sup> allowances has not been paid to the applicant. We are of the considered opinion that intervening period should be decided in accordance with <sup>existing</sup> ~~instant~~ rules and instructions. We accordingly dispose of this CCP with a direction to the competent authority to take a decision for the intervening period i.e. from the date of deemed suspension till the date of compulsory retirement in accordance with <sup>existing</sup> ~~instant~~ rules and instructions within a period of three months.

5. CCP is disposed of as above direction. Notices are discharged.

  
(M.L.SAHNI)  
MEMBER (J)

  
(S.P.ARYA)  
MEMBER (A)

HLS/-