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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW
Application No. 44 of 1990

Laxman Giri

... Applicant

vs.

Superintendent of Post-Offices,
Barabanki Division, Barabanki, and
others

... Respondents

24-7-1990:

Hon'ble Mr. Justice K. Nath, VC,
Hon'ble Mr. K. Obayya, AM

(Delivered by Hon'ble Mr. Justice K. Nath, VC)

We have heard the learned counsel for the parties. This application has been made for a direction to the respondents to pay the salary of the petitioner from the date of suspension upto the date of re-instatement i.e. 24-4-1990. The application is opposed by Dr. Dinesh Chandra, counsel for the respondents.

2. The original application was filed for quashing the order dated 25-1-1990 (Annexure-11), whereby the petitioner was placed under suspension following the petitioner's conviction vide the judgment dated 18-1-90 of the Sessions Judge, Barabanki, under Section 302 of the Indian Penal Code. There was a consequential prayer for directing the petitioner to be reinstated after quashing the suspension order. However, during the pendency of this petition, the suspension order was revoked by the department vide Annexure R-1 in view of the fact that in criminal appeal of the petitioner the High Court stayed operation of the conviction under the judgment dated 18-1-1990 of the Sessions Judge. The respondents' stand is that by revocation of the suspension order, the petition itself has become infructuous. It is in this background that the present application has been made for a direction to the respondents to pay salary

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of the petitioner from 25-1-1990, the date of suspension to 24-4-1990, the date of reinstatement. This prayer at this stage appears to be premature because the department must take a decision in the first instance about the manner in which the duration of suspension is to be dealt with. The decision of the department on that question with or without a representation of the applicant alone, will give a cause of action for which the applicant will have to file a separate petition. The application for payment of salary, therefore, is rejected, and the original application is disposed of as infructuous with the observation that it will be open to the petitioner to file a fresh application under Section 19 of the Administrative Tribunals Act, 1985, as and when he has a grievance against the ultimate order passed by the competent authority to deal with the period of suspension.



(A.M.)



(V.C.)

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