

**Central Administrative Tribunal Lucknow Bench Lucknow**

**363/2009**

This, the 14th day of September, 2009

**Hon'ble Ms. Sadhna Srivastava, Member (J)**  
**Hon'ble Dr. A.K. Mishra, Member (A)**

Vijayanand aged about 40 years son of Sri Ganga Prasad r/o 548/Ga/90, Tezi Khera, Tal Katora Road, Lucknow.

Applicant

By Advocate: Sri A.Moin

**VERSUS**

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Medical Superintendent, Northern Railway, Charbagh, Lucknow.
3. Chief Matron, Indora Hospital, Northern Railway, Charbagh, Lucknow

Respondents.

By Advocate: Sri Atul Dixit for Sri K.K.Shukla

**ORDER (ORAL)**

**By Hon'ble Ms. Sadhna Srivastava, Member (J)**

The applicant claimed arrears of salary w.e.f. 26.7.2006 to 21.11.2008 with interest thereof.


2. The facts, as alleged in the Original Application, are that the applicant was initially appointed as Safai Karmchari in the office of Chief Health Inspector, Alambagh, Lucknow under the control of respondent No. 2 in 1989. In the year 2004, a criminal case No. 721 of 2004 was registered against the applicant U/s 323 and 498 A of IPC. He was arrested and sent to Jail. He was convicted by Chief Judicial Magistrate, Lucknow. Aggrieved by the order of Chief Judicial Magistrate, Lucknow, he filed a Criminal Appeal No. 102/2005 on 26.7.2006 and the Additional District Judge (in short ADJ) has dismissed the appeal and confirmed the order of Chief Judicial Magistrate, Lucknow. On the same date, i.e. 26.7.2006, the applicant was put under suspension on the ground that he had been retained in police custody for more than 48 hours.

3. Thereafter, the applicant filed Criminal Revision before the High Court. The applicant was released on bail. Thereafter, he filed representation before the

respondents for reinstatement but to no avail. Thereafter, the applicant filed O.A. No. 143/2007 against the suspension order dated 26.7.2006 before this Bench of the Tribunal, which was disposed of by giving a direction to the respondents to decide the appeal filed against the suspension order by reasoned and speaking order. In the mean time, the High Court allowed the revision petition filed by the applicant and quashed the order dated 26.7.2006 passed by ADJ and the applicant was acquitted of the criminal charges. After acquittal, the applicant submitted an application before the respondents for reinstatement on the post. By order dated 17.12.2008, the applicant was allowed to join duty. Now, the grievance of the applicant is that neither he has been paid the subsistence allowance for the period of his suspension i.e. 26.7.2006 till the date of joining duty i.e. 17.12.2008 nor has he been paid salary for the said post, particularly, taking into account the facts that the suspension order of the applicant has already been revoked by the respondents without any follow up action and therefore, he is fully entitled to the entire salary from 26.7.2006 till the date of actual joining.

4. At this stage, learned counsel for the applicant submits that a direction be issued to respondents to treat this Original Application as representation and decide the same in accordance with rules. This prayer has not been opposed by the counsel for the respondents.

5. Accordingly, the O.A. is disposed of by giving a direction to respondent No. 2, i.e. Chief Medical Superintendent, Northern Railway, Charbagh, Lucknow to treat this O.A. as representation and decide the same by reasoned and speaking order in accordance with rules within a period of 3 months from the date of receipt of copy of this order. No order as to costs.

  
(Dr. A.K. Mishra)  
Member (A)

  
(Ms. Sadhna Srivastava)  
Member (J)

HLS/-