

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OANo.729 No. 7005

Patna, dated the 24th November, 2005

CORAM: The Hon'ble Ms. S. Srivastava, Member[J]

Suraj Deo Prasad, son of Late Jagdeo Ram, Ex-Postal Assistant,
Dhanbad, HO Dhanbad, Village Sahwajpur, PO Baraha Via Punpun,
District Patna.

Applicant

..

By Advocate Shri M.P. Dixit

versus

1. The Union of India, through the Chief Postmaster General,
Jharkhand Circle, Ranchi.
2. The Director, Postal Service, o/o the CPMG, Jharkhand Circle,
Ranchi.
3. The Director [Accounts], Postal, c/o the CPMG, Jharkhand Circle,
Ranchi.
4. The Senior Supdt. Of Post Offices, Dhanbad Division, Dhanbad.
5. The Director of Accounts, Postal, Patna.
6. The Sr.Postmaster, Dhanbad, HO, Dhanbad.

Respondents

..

By Advocate Shri B.N. Gupta

ORDER

S. Srivastava, Member[J]:-

By this OA, the applicant seeks a direction to the



respondents to implement their order dated 26.5.1999, as contained in Annexure-1, issued by respondent no.4 by which the period of suspension has been regularised and the aforesaid period has been treated as duty for all purposes.

2. The facts, in brief, as alleged in the OA, are that due to involvement in a criminal case, the applicant was put under suspension from 23rd April, 1979, which was revoked on 4.2.1982, i.e., about three years. It is alleged in the OA that subsequently the applicant was acquitted in the said criminal case. Thereafter, respondent no.3, being competent authority, passed order on 26.5.1999, whereby it was ordered that the suspension period from 23.4.1979 to 4.2.1982 shall be treated as spent on duty for all purposes, meaning thereby that the applicant is entitled to get arrears of salary after adjustment of subsistence allowance which has already been drawn by him. The applicant also claims that he is entitled for annual increments due during the said period. It is alleged in the OA that after receipt of the order dated 26.5.1999, the applicant met the respondents regarding payment of arrears as well as due increments and the assurance was given by the

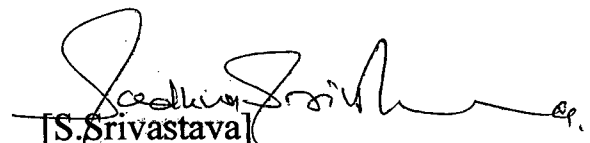
respondents, but till today, neither respondents have implemented their order dated 26.5.1999, nor they have paid [✓] dues [✓] to the applicant. The applicant retired on 31.1.2003 and after retirement, Pension Payment Order has been issued vide order dated 3.12.2003, after a lapse of about eleven months.

3. Before coming to the Tribunal, the applicant has filed representations before the respondents which are still pending before the respondents for disposal. Counsel for the applicant Shri M.P. Dixit submits that a direction may be issued to the respondent no.2 to consider the representation of the applicant within a stipulated period. Shri B.N. Gupta, counsel for the respondents, has no objection to the prayer made by the counsel for the applicant.

4. In view of the submissions made by counsel for the parties, I am of the considered opinion that a direction can be issued to the respondent no.2 to consider the representation of the applicant in the light of the order issued by respondent no.4 dated 26.5.1999 and pass a reasoned and speaking order within four months from the date of receipt of this order. In the event, the applicant is [✓] found [✓] entitled for

arrears and annual increments, the same should be paid by the respondents within two months thereafter.

5. The OA is disposed of accordingly. No order as to costs.


[S. Srivastava]
Member [J]

cm