

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 422 OF 2005

[Patna, this Wednesday, the 27th Day of July, 2005]

C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.
HON'BLE SHRI MANTRESHWAR JHA, MEMBER [ADMN.]

.....

Uday Kumar Singh

Vs.

Union of India & Ors.

Counsel for the applicant. :- Shri Gautam Bose.
Shri Vikash Jha.

Counsel for the respondents.:- Shri A.A.Khan, SC.

O R D E R [ORAL]

Justice P.K.Sinha, VC :- Heard Shri Gautam Bose, learned counsel for the applicant and Shri A.A.Khan, learned Standing Counsel for the respondents.

2. Sum total of the matter is that this applicant for some reason was placed under suspension w.e.f. 15.01.2005 and suspension was revoked w.e.f. 07.02.2005, without awarding any punishment to him whatsoever or initiating a departmental proceeding. The prayer ^{is} ~~was~~ to order to treat the period of suspension as on duty, giving effect of continuity, and payment of admissible allowances.

3. When this matter was heard on the last date, keeping in view the allegations as made in the application and circumstances placed, the learned counsel for the respondents was directed to seek instructions if any action was taken against the applicant.



4. Shri A.A.Khan, learned Standing Counsel for the respondents submits that he had contacted the respondents but they did not say that any action had been taken against the applicant.

5. The learned counsel for the applicant asserts that neither any action has been taken against him, nor any punishment has been awarded to the applicant, nor any charge sheet has been issued to him till now, more than five months of the revocation of suspension.

6. If the applicant has not been awarded any punishment and if no departmental inquiry on whatsoever charge has been ordered to be initiated against him, then legally the period of suspension, as aforesaid, would be treated on duty, maintaining continuity in the service and in such event he will be paid the emoluments payable to him for the period with admissible allowances. In such a situation, the respondents are directed to treat the period of suspension as of continuity and to pay the applicant the emoluments and allowances which otherwise would have been admissible to him.

7. This application stands, accordingly, disposed of with no order as to costs.


[Mantreshwar Jha]/M[A]


[P.K.Sinha]/VC

skj