

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 683/95

Transfer Application No.:-

Date of Decision : 31-8-1995.

Shri Jit Singh

Petitioner

Shri R.C. Ravlani

Advocate for the
Petitioners

Versus

Union of India & Ors.

Respondents

Shri Suresh Kumar

Advocate for the
respondents

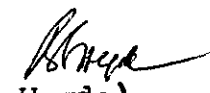
C O R A M :

The Hon'ble Shri B.S. Hegde, Member (J).

The Hon'ble Shri

(1) To be referred to the Reporter or not ? X

(2) Whether it needs to be circulated to
other Benches of the Tribunal?


(B.S. Hegde)
Member (J)

ssp.

(B)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. 683/95

Shri Jit Singh

...

Applicant

v/s

Union of India & Ors.

...

Respondents

CORAM : Hon'ble Shri B.S. Hegde, Member (J)

APPEARANCE : 1) Shri R.C. Ravlani, counsel for the Applicant.

2) Shri Suresh Kumar, counsel for the Respondents.

ORAL JUDGEMENT

Dated: 31st August, 1995.

1. Heard Shri Ravlani for the Applicant and Shri Suresh Kumar for the Respondents. The Respondents have been directed to file reply but they have not filed the reply so far. The Applicant has prayed for the following relief :

a) direct the Respondents to pay the pay and allowances for the intervening period from 23-3-1993 to 19-5-1994 or alternatively from 20-4-1993 to 19-5-1994;

b) grant interest at the rate of 15% for the period of delay, on the arrears payable

... ..

Pursuant to the decision of the Principal Bench vide orders dated 22-3-1993, the orders dismissing the Applicant from service were quashed. The disciplinary proceedings against the Applicant under Rule 14 of the CCS (CCA) Rules 1965 were initiated while he was

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From pre-page:

then functioning as Incharge, Military Farm Depot, Alwar. While quashing the dismissal order, the Tribunal has observed -

"We see no reason to take the view different from the one taken by the Calcutta Bench of this Tribunal in Indrajit Dutta's case. We accordingly quash the impugned orders and hold that the order of punishment imposed upon the applicant has no legal effect and he will be deemed to be continued in service. We, however, direct that the Applicant would not be entitled to any back wages for the intervening period. etc. etc."

2. In the light of the above, the learned counsel for the Applicant says that since the Applicant has reported for duty on 20-4-1993; however, he was not allowed to resume duty till 20-5-1994 and he was reinstated only on 20-5-1994.

3. The question for consideration is when the order of the Tribunal is to be given effect whether it is from the date it is passed by the Tribunal or from the date the SLP filed by the Respondents ^{and} was dismissed by the Supreme Court i.e. 31-3-1994. In my view, the reinstatement order ought to have been passed subsequent to the passing of the Tribunal's order quashing the dismissal order or in the alternative if the Tribunal's order was stayed by the Supreme Court. In the instant case, nowhere the Supreme Court stayed the operation of the Tribunal's order nor he failed to resume duty immediately after the passing of the Tribunal order. In the circumstances, the orders passed by the Tribunal is binding on the Respondents. Accordingly, the Respondents are directed to take the Applicant on duty from 20-4-1993 i.e. the day on which he reported for duty and pay all consequential benefits.