

C1 6072

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.

D.A. No. 1562/1986
(CS 185/1985)

Date of order: 27-7-82

Shri Narain Singh

... Applicant

Mr.S.K.Jain,

... Counsel for the
applicant.

V E R S U S

Union of India & Ors.

... Respondents.

Mr.K.N.Shrimal

... Counsel for the
respondents.

CORAM :-

HON' BLE MR. JUSTICE D.L.MEHTA, VICE CHAIRMAN

HON' BLE MR. B.B. MAHAJAN, ADMN. MEMBER

HON' BLE MR. B.B. MAHAJAN :-

Shri Narain Singh has filed a suit in the Court of Upper Munsif Magistrate, Jaipur City, Jaipur on 24.4.1985 regarding payment of salary for the period from 16.7.79 to 30.11.81 and payment of pensionary benefit on his superannuation on 30.11.81. The suit has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act.

2. The applicant had been compulsorily retired from service as a major punishment vide DRM's order dated 16.7.79. The appeal against that order was rejected. The Reviewing Authority however, vide order dated 1.7.81, set aside the order of the disciplinary authority and remanded the case to the competent authority for necessary action on the enquiry report. In this order, it was also provided that the applicant will be deemed to have been suspended on 16.7.79 and shall remain under suspension. The new disciplinary authority

27-7-82

thereafter vide order dated 29.8.81, reduced the penalty to that of reversion in the time scale by four stages for 2 years without future effect or upto the date of superannuation whichever is earlier. The applicant was informed about this order vide DRM's letter dated 25.9.81. He filed an appeal against that order which was rejected by the Appellate Authority on 21.4.82. The applicant had not been paid salary for the period from 16.7.79 till his date of superannuation viz. 30.11.81 and had also not been paid the pensionary benefits. The respondents have stated in the reply that under para 1316 of the Indian Railway Establishment Vol.I, when a person who has been compulsorily retired from service is reinstated, he will be taken back on duty on payment of the sum already drawn by him by way of post retirement benefits. They have stated that the applicant did not give any reply in writing about his intension about refund of the amount taken by him as his post retirement benefit.


3/ We have heard the counsel for the parties. The learned counsel for the respondents has admitted that no order about treatment of the period of deemed suspension from the date of compulsory retirement till the date of reinstatement had been passed so far by the competent authority, although about 11 years have passed. In view of this, the applicant will be entitled to his salary from the date of deemed suspension till the date on which the order of reversion was communicated to him

Dr. P. S.

viz 25.9.81, in terms of the disciplinary authority's order dated 29.8.81 viz at the time scale of his pay reduced by 4 stages for 2 years and at the rate of pay he was drawing before the compulsory retirement thereafter till 25.9.81. He is not entitled for any salary for the period after 25.9.81 as he did not approach the authorities for rejoining duties after the order dated 29.8.81 was communicated to ^{him} his/ offering to deposit the post retirement benefit already drawn. The applicant is also entitled to post retirement benefits on the basis of his retirement on superannuation less the post retirement benefit already drawn by him on his earlier compulsory retirement.

4. In view of the above discussion, the applicant shall be paid within 4 months of this order the arrears on account of his salary for the period from 16.7.79 till 24.9.81 as indicated above, less suspension allowance drawn, if any, and the retirement benefits as admissible on retirement ~~on superannuation~~ ~~superannuation~~ subject to any cut that may have been imposed on pension in the light of his service record less the post retirement benefits already drawn by him on his earlier compulsory retirement. Parties to bear their own costs.


(B.B. MAHAJAN)
Member (Admn.)


(D.L. MEHTA)
Vice Chairman