

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

J A I P U R.

T.A. NO. 2045/86  
(CA 26/85)

Date of Decision: 13.8.92

Union of India

: Petitioner

Mr. G.P. Soral

: Counsel for the Petitioner.

VERSUS

Nand Lal

: Respondent

Mr. J.K. Kaushik

: Counsel for the Respondent.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. B.B. Mahajan, Administrative Member

PER HON'BLE MR. B.B. MAHAJAN, ADMINISTRATIVE MEMBER

Union of India has filed an appeal against the judgment and decree dated 4.1.1985 of the Munsif & Judicial Magistrate, Kota (North). The same has been transferred to this Tribunal u/s 29 of the Administrative Tribunals Act, 1985.

2. The respondent, Nand Lal, had been suspended on account of two criminal charges pending against him. He was discharged in one case and subsequently acquitted by the Appellate Court in the second case. Thereafter, he was reinstated in service. However, the Deputy Chief Mechanical Engineer vide the impugned order dated 26.6.79 held that the acquittal seems to be on account of benefit of doubt given to the employee although the judgment of the Appellate Court does not mention so and, therefore, ordered that the period of his suspension and between removal till the date of reinstatement will not be treated as period on duty. The learned Munsif had decreed the suit of the plaintiff against the Government and set aside the order dated 26.6.79 and declared that the respondent was entitled to full salary and allowances for the period of suspension from 1.5.70 to 30.8.70 and from 21.4.71 to 11.6.71 and for the period from his date of removal till reinstatement viz. from 24.7.76 to 31.5.79.

3. We have heard the counsel for the parties. Since the employee had been discharged in one criminal case and

acquitted in the other, there was no justification for the impugned order passed by the competent authority depriving him salary and allowances for the period of suspension and for the period between removal and reinstatement. There is no merit in the appeal which was filed before the District Judge. The T.A. is accordingly dismissed.

Parties to bear their own costs.

*BB Mahajan*  
( B.B. MAHAJAN )

Administrative Member

*D.L. Mehta*  
( D.L. MEHTA )  
Vice-Chairman