

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH : JAIPUR

Date of order : 19.2.1996

OA No. 728/1989

Madan Lal Verma ... Applicant.

versus

Union of India & Ors. ... Respondents.

Mr. Mahendra Shah, Counsel for the applicant.

Mr. Manish Bhandari, Counsel for the respondents.

CORAM:

Hon'ble Mr. H.K. Verma, Member (A)

Hon'ble Mr. Rattan Prakash, Member (J)

....

PER HON'BLE MR. N.K. VERMA :

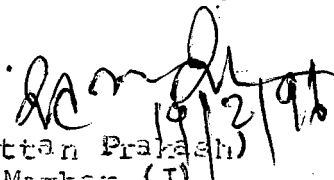
In this O.A. the applicants has assailed the order at Annexure A/2 dated 5.7.1980 by which the period during 14.10.77 to 21.11.79 while he was under suspension has been ordered to be treated as suspension and not spent on duty for all practical purposes. The applicant had also been awarded a punishment for withholding of promotion for one year with immediate effect by an order dated 5.7.80 (Annexure A/2A). He went on an appeal and revision which were also rejected in 1982 and 19.6.1987 respectively and ultimately the applicant came to this Tribunal on 13.6.89. There was a gross delay in filing the application. However, at the preliminary stage without notice to the respondents

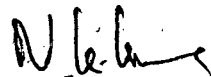
the delay in filing the CA was condoned and the same was admitted. The learned counsel for the respondents took up the preliminary objection during the course of arguments on 27.9.1994 that the O.A. is hit by bar of limitation. It was decided at that time that this question will also be adjudicated at the time of hearing.

2. During the course of arguments today, it came to our mind that main point which needs to be adjudicated in the matter was the treatment of the suspension period which may cause severe civil consequences to the applicant by way of his pensionary benefits not being settled for that period as it was declared as not spent on duty. Since the applicant had already retired he wants that period to be regulated under F.R. 54-B. We have seen F.R. 54-B which says that once ~~an~~ <sup>he</sup> official has <sup>been</sup> taken back on duty on reinstatement the competent authority had to decide whether the period spent under suspension will be treated as on duty or otherwise. The order treating the period of suspension as spent under suspension and not spent on duty is totally uncalled for and irregular order by the competent authority. The competent authority had to decide either way whether the suspension period will be treated on duty or not. The applicant should have been given an option for having this period converted into any kind of non-duty like leave admissible to him etc.

3. We, therefore, dispose of this matter with the direction that the applicant may represent this

matter to the respondents within 2 months from now who shall **decide** about the treatment of suspension period under F.R.54-B through a speaking order within two months of filing the representation. We are passing this order in spite of the point of limitation which was validly made by the learned counsel for the respondents. However, since the order regarding suspension is alleged to be affecting the pensionary benefits of the applicant and that being a recurring cause of action, the above directions have been made. No. costs.

  
(Rattan Prakash)  
Member (J)

  
(N.R. Verma)  
Member (A)

cvr.