

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

96

ORIGINAL APPLICATION No.586/90

DATE OF JUDGEMENT: 10-6-1993

Between

Ch Narayanacharylu .. Applicant

and

1. The Flag Officer Commanding-in-Chief  
Eastern Naval Command Naval Base  
Visakhapatnam
2. The Controller of Defence Accounts (Pensions)  
Draupathi Ghat, Allahabad .. Respondents

Counsel for the Applicant :: Party-in-Person

Counsel for the Respondents :: Mr NR Devraj, Sr.CGSC

CORAM:

HON'BLE SHRI A.B. GORTHI, MEMBER (ADMN)

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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JUDGEMENT OF THE DIVISION BENCH DELIVERED BY HON'BLE SHRI  
T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to count the period of suspension period as qualifying service for the purpose of full pensionary benefits and pass such other orders as may deem fit and proper in the circumstances of the case.

2. The applicant, while he was working as UDC in the respondents' organisation was kept under suspension from 11.7.85 to 28.9.87 and from 28.2.89 to 21.3.90. On 21.3.90, he was dismissed from service on disciplinary grounds. It is the case of the applicant, that in the Pension Payment order dated 12.5.90, the applicant's service has been counted as only 28 years. The present OA is filed for treating his complete

T.C.H

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service as qualifying service for pensionary benefits and for other relief(s) as indicated above.

3. Counter is filed by the respondents opposing this OA.

4. We have heard Party-in-Person and Mr NR Devraj Standing Counsel for the Respondents.

5. The applicant has also filed OA 583/91 on the files of this Tribunal for re-fixation of pension and compassionate allowance on the ~~basic~~ basis of counting his services from 17.11.58 to 21.3.90 as 31 years of qualifying service as per Para 26 of his dismissal order dated 21.3.90.

OA 583/91 is dismissed vide separate orders. In the said OA 583/91 we have/dealt with the issue of counting the suspension period as 'qualifying service' for pensionary benefits. It had been clearly held in AIR 1976 SC 2490 Baldev Raj Guliani Appellant Vs Punjab and Haryana High Court that when a suspended person is dismissed from service, the suspension merges with dismissal and nothing remains to be done about his suspension. The dismissal order dated 21.3.90 also had become final. In view of this position, we see no merits in this OA and this OA is liable to be dismissed and is accordingly dismissed with no orders as to costs..

*Amber Gorthi*  
(A.B. GORTHI)  
Member (Admn)

*T. C. R.*  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 1-6-1993

*mvl*  
Deputy Registrar (J)

To

1. The Flag Officer Commanding in-Chief, Eastern Naval Command Naval Base, Visakhapatnam.
2. The Controller of Defence Accounts (Pensions) Draupathi Ghat, Allahabad. *E/1 Pallava Park, Pancharapalem, Vizianagaram - 8*
3. One copy to Mr. Ch. Narayananacharyulu. Party-in-person, CAT. Hyd.
4. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
5. One copy to Hon'ble Mr. A. B. Gorthy, Member (A) CAT. Hyd.
6. One copy to Deputy Registrar (J) CAT. Hyd.
7. One copy to Library, CAT. Hyd (8) One spare copy.

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TYPED BY

COMPARED BY

CHECKED BY (2)

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO  
VICE CHAIRMAN

AND

A. B. Govt.

THE HON'BLE MR. R. BALASUBRAMANIAN :  
MEMBER(ADMN)

AND

THE HON'BLE MR.T.CHANDRASEKHAR  
REDDY : MEMBER(JUL)

DATED: 10 - 6 - 1993

ORDER/JUDGMENT

R.P./ C.P/M.A.No.

in

O.A.No. 586/90

T.A.No. (W.P.No )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions  
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.  
Central Administrative Tribunal

DESP. CH

21 JUN 1993 AM

HYDERABAD BENCH

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