

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO.800 of 1995.

Between

Dated: 7.2.1996.

M.Manikya Prabhu

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Applicant

And

1. The Chief General Manager, Telecom Department, Gunfoundry, Hyderabad.
2. Telecom District Engineer, Telecom Department, Sangareddy, Medak District.
3. Sub Divisional Officer(Telephone), Sanga Reddy, Medak Dist.

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Respondents

Counsel for the Applicant

: Sri. S.Ramakrishna Rao

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

O.A.No.800/95

Date of Order: 7.2.96

J U D G E M E N T

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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The applicant while working as a regular mazdoor was suspended on 29.2.88 under Rule 10(1)(b) of CCS (CCA) Rules, 1965 as he was proceeded against in a criminal case under Section 498-A of IPC on the file of Additional Sessions Judge, Medak at Sangareddy. Thereafter he filed an appeal C.A.1255/92 in the High Court of A.P. and he was exonerated of all charges by order of the High Court dated 7.9.93. The applicant also submits that he was not proceeded against by instituting any departmental enquiry. As he was exonerated of all the charges by the High Court the suspension order was revoked by order dated 1.10.93. (A-1). But this order of revocation of suspension does not indicate how the suspension period is to be treated.

2. This OA is filed praying for a direction to R3 to regularise the period of suspension from 29.2.88 to 1.10.93 duly drawing his pay and allowances for the said period and consequently direct the respondents to promote him to the post of Phone Mechanic as he was qualified and empanelled in the panel for promotion dated 10.11.94 with all consequential benefits.

3. The applicant states that as per FR 54-B(1) if suspension is revoked, the authority competent to order reinstatement should make a specific order in regard to the treatment of the period of suspension and also in regard to the pay and allowances to be paid to the government servant for the period of suspension. The above provision has not been complied with in the order at A.1.

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4. The contention of the applicant is that no further departmental enquiry was processed in connection with the case under consideration. Further after he had been reinstated, he was empanelled for the post of Phone Mechanic following necessary rules. This would indicate that there is no intention to proceed against him by the department and hence there is no reason for the respondents not to treat the suspension period as duty.

5. The learned counsel for the applicant also relies on the following citations:-

(1) 1990 (12) ATC 643 (S. Samson Martin Vs. Union of India and others)

(2) 1993 (24) ATC 641 (Basant Ram Jaiswal Vs. Area Manager (North) Mahanagar Telephone Nigam Ltd., Bombay Telephones and another).

(3) 1989 (9) ATC 128 (Kartick Chandra Bose Vs. Union of India and others)

(4) 1993 (25) ATC 321 (Girdharilal Vs. Delhi Administration Delhi and others).

Go state that in the absence of any specific order regarding the treatment of the suspension period as provided for under Rule FR 54 B(1) the applicant is entitled to get the period treated as duty and he is also eligible for full pay and allowances for the period and as the suspension is treated as duty he is to be promoted as Phone Mechanic as he had already been empanelled for that post.

6. As seen from the A-1 order the applicant has been reinstated. It is also a fact that the said order does not indicate how the period of suspension is to be treated. In view of the above it is necessary that a specific order has to be

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Copy to:-

1. The Chief General Manager, Telecom Department, Gundlacherpet, Hyderabad.
2. Telecom District Engineer, Telecom Department, Sangareddy, Medak District.
3. Sub Divisional Officer(Telephone), Sangareddy, Medak District
4. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. K.Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

(2)

: 5 :

Copy to:-

1. The Chief General Manager, Telecom Department, Gunfoundry, Hyderabad.
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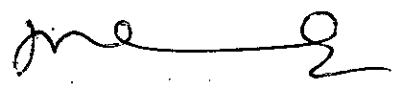
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has to be given by R3 in regard to the treatment of the period of suspension as provided for under FR 54-B(1).

Hence it is proper to direct R3 to indicate how the period of suspension is to be treated following the extant rules and taking due note of the judgements cited above. On the basis of an order to be passed by R3 he should also be considered for promotion to the post of Phone Mechanic if his name has already been empanelled.

7. In the result, the following direction is given:- R3 should give a speaking order in regard to the treatment of suspension period as directed above. He should also take a decision in regard to the promotion of the applicant to the post of Phone Mechanic if he has been already empanelled for that post on the basis of the decision to be taken in regard to the treatment of suspension period. The above should be decided by 15.4.96.

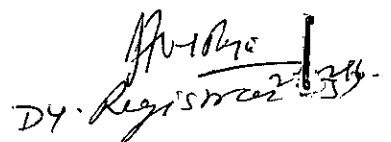
8. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
Member (A)

Dated: 7th February, 1996

(Dictated in Open Court)

sd


Dy. Registrar

CONFID--457-

8/13/96
TYPED BY
COMPARED BY

DA-800745
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R. Ranganathan
HON'BLE SHRI A. B. SORTHY : MEMBER(A)

~~HON'BLE SHRI~~

DATED: 7/2/96

ORDER/JUDGMENT

M.A.NO./R.A./C.A.No.

IN

O.A.NO. 800745

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

No Spare Copy

