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Date of order: 8-3-96.

N. S. Sankaram

Applicant.

And

- ... Respondents.

Counsel for the Respondents: Mr. V. Rajeshwara Rao,  
Sr. CGSC.

HONABLE x SHRI x M x G x CHAUDHARI x VIRE x CHAIRMAN

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER ADMINISTRATIVE.

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O.A.No.324/96

Date of Order: 8.3.96

J U D G E M E N T

X As per Hon'ble Justice Shri M.G.Chaudhari,Vice-Chairman X

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Heard Mr.Y.Subrahmanyam, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The short grievance of the applicant is that his salary for the months of June 95, July 95, September 95 and from November 95 to January 96 is not being paid to him on the ground that a disciplinary enquiry is proposed to be held against him. We do not find from the record produced that there has been any order passed for withholding the salary for the months of June, July, September, November and upto 28.12.95 by any authority. The claim made by the applicant is also not in consonance with the statement in the Lawyer's notice dated 15.1.96 that the salary since September 1995 except October 1995 was not being paid without assigning any reasons. The notice was issued on 15.1.96. We do not know as for what reasons the salary if at all is not paid has not been paid for the months of June, July, September and November 1995 onwards till February. We also do not know whether the applicant performed duty during the period<sup>90</sup> as to be entitled to get the salary. We, however are of the view that payment of salary cannot be withheld as a measure of penalty. The respondents will always be at liberty to adopt disciplinary proceedings if so advised and pass appropriate orders in accordance with law in that enquiry. We, therefore, direct the respondents to examine the question as to whether the applicant otherwise is entitled to be paid the salary for the months mentioned above if it has not already been paid but

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it shall not be withheld as a measure of punishment. If found entitled the same shall be paid to him early.

3. In so far as the salary for the period from 29.12.95 till 31.1.96 is concerned that has been withheld by the order dated 15.2.96 issued by the Deputy Technical Adviser. Although there are reasons given we think that the question of disciplinary enquiry being independent the withholding of the salary would not be permissible. The respondents are therefore directed to consider payment of salary for that period if otherwise the applicant is entitled thereto. The said order shows that the salary for the month of February was being released. We need not express any opinion on contentious issues raised in view of the above directions. Subject to the above directions to the respondents to be complied with as expeditiously as possible but within a period of 2 months from the date of receipt of a copy of this order, the OA is disposed of. No costs.

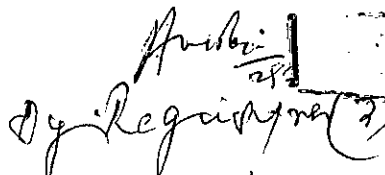
  
( H. RAJENDRA PRASAD )  
Member (Admn.)

  
( M.G. CHAUDHARY )  
Vice-Chairman

Dated: 8th March, 1996

( Dictated in Open Court. )

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By Registrar