

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.619 of 1999.

DATE OF ORDER:29-3-2000.

Between:

K.V.Ramana.

....Applicant

and

The Superintendent of Post Offices,
Secunderabad Postal Division,
Hyderabad-500 016.

....Respondent

COUNSEL FOR THE APPLICANT :: Mr.S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENT :: Mr.M.C.Jacob

CORAM:

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

: O R D E R :

(PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.S.Ramakrishna Rao, learned Counsel for the
Applicant and Mr.M.C.Jacob, learned Standing Counsel for the
Respondent.

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2. The applicant was working as Postal Assistant in Secunderabad Postal Division. As certain irregularities were attributed to him, he was placed under suspension by the respondent, vide his Order No.B7-3/KVR, dated 27-6-1985. However, the said period of suspension was revoked by the respondent, vide his Order No.B7-3/KVR/94-95, dated 1-5-1995. Accordingly, the applicant joined duty on 11-5-1995.

3. As a measure of penalty, the applicant was compulsorily retired from service, vide Proceedings No.ST/20-6/PSD-HD/1, dated 7-8-1997. The said order was served on the applicant on 11-8-1997. Hence, the punishment of compulsory retirement came into force with effect from 11-8-1997. This fact is admitted by the respondent in his reply.

4. The grievance of the applicant is that, while determining the pension and pensionary benefits, the respondent-authorities have not taken into consideration the period of suspension from 27-6-1985 to 10-5-1995 and that had they considered the said period, he would have obtained certain pensionary benefits.

5. Hence, he has filed this OA for a direction to the respondent to compute the period of suspension i.e., from 27-6-1985 to 10-5-1995 as qualifying service for the purpose of pension and pensionary benefits, which were denied on the alleged ground that the applicant did not render the required qualifying service in view of the decision rendered by the Hon'ble Supreme Court in the case of BHIBHUTI BHUSHAN CHOWDARY v. UNION OF INDIA & ANOTHER (reported in 1998 SCC(L&S) 158), (para.3).

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and for a consequential direction to release the pension and pensionary benefits taking into account the period of suspension as qualifying service with arrears duly stipulating the time limit for implementation of the orders of this Tribunal.

6. The respondents have filed their reply.

7. While the OA was pending, the respondent-authorities passed an Order dated 23-7-1999 treating the suspension as suspension only. That Order was set aside as the same was violative of Section.19(4) of the Administrative Tribunals Act. The said Order is dated 15-9-1999.

8. It is for the Disciplinary Authority to consider as to how the period of suspension is to be treated. In this connection, the learned Counsel for the Applicant relied upon the OM No.F.11(3)-E.V(A)/76, dated 28-2-1976, issued under Rule 23 of the CCS(Pension)Rules, 1972.

9. The Disciplinary Authority may now consider and decide as to how the period of suspension of the applicant from 27-6-1985 to 10-5-1995 has to be treated taking due note of the decision of the Hon'ble Supreme Court relied upon by the applicant and the OM dated 28-2-1976. ~~and the OM dated 28-2-1976.~~

10. Accordingly, the respondent-authorities shall on that basis revise the pension and pensionary benefits of the applicant.

11. If the decision of the Disciplinary Authority in the matter of treating the period of suspension of the applicant

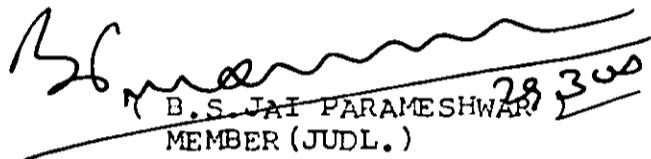
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is going to be adverse to the applicant, then the applicant may approach proper Judicial Forum.

The Disciplinary Authority shall decide how to treat the period of suspension within one month from the date of receipt of a copy of this Order.

12. With the above direction, the OA is disposed of. No order as to costs.


B.S. JAI PARAMESHWAR 29/3/00
MEMBER (JUDL.)

DATED: this the 29th day of March, 2000

Dictated in the Open Court

DSN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

2. HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

3. HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

4. HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 29/3/00

MA/RA/CF.NO

IN

S.A. NO. 619/09

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद स्थायी बैठक
HYDERABAD BENCH

12 APR 2000
Despatch No
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