

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.456/96

Date of order: 29/9/2000

Prahlad Singh, S/o Shri Rod Singh, R/o 1/55, Amar Nagar C, Phirni Phatak, Phatipura Road, Jaipur, working as Member in CED, Jaipur.

...Applicant.

Vs.

1. Union of India through the Secretary, Mini. of Defence, Govt. of India, New Delhi.
2. General Manager, Canteens & Stores Deptt, Govt. of India, 119, Maharishi Farve Road, Bombay.
3. The Manager, Canteen & Stores Deptt, Peeru Lines, Jaipur Cantt, Jaipur.

...Respondents.

Mr.P.P.Mathur - Proxy of Mr.R.N.Mathur - Counsel for applicant.

Mr.M.Rafiq - Counsel for respondents.

CORAM:

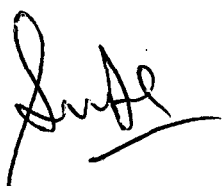
Hon'ble Mr.S.F.Agarwal, Judicial Member

Hon'ble Mr.N.P.Hawani, Administrative Member

PER HON'BLE MR.S.F.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the order dated 31.1.96 and to direct the respondents to pay the applicant full pay and allowances for the period from 29.10.86 to 15.4.88.

2. Facts of the case as stated by the applicant are that a false case was registered against the applicant on 29.10.1986 in Police Station Vishwakarma, Jaipur, under Sec.16/54 of the Rajasthan Excise Act and FIR No.144/86 was registered. The applicant was arrested whereby he was suspended from service by respondent No.2 w.e.f. 29.10.86. It is further submitted that the order of suspension of the applicant was revoked vide order dated 8.10.87 as the criminal case against the applicant was finalised and the applicant was acquitted. The applicant submitted a



representation to respondent No.3 claiming full pay and other allowances during the period of suspension but with no result. Therefore, the applicant filed the O.A for the relief as mentioned above.

3. Reply was filed. In the reply, suspension of the applicant and revocation of suspension, as alleged by the applicant was admitted. But it is stated that the applicant was not entitled to full pay and allowances during the period of suspension because he was not acquitted honourably. The applicant was acquitted by giving him the benefit of doubt, therefore, he is not entitled to full pay and allowances in accordance with Rule 7 of Chapter 7 of the OCA Rules. In view of the above the respondents have submitted that the O.A is devoid of any merit and liable to be dismissed.

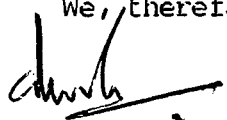
4. Heard the learned counsel for the parties and also perused the whole record.

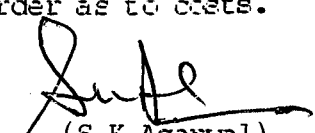
5. The learned counsel for the respondents during the course of arguments has submitted that O.A No.457/96, N.C.Ram Vs. UOI & Ors, decided by this Tribunal on 12.11.99, the case of the applicant is squarely covered by the above order. The counsel for the applicant also admits that the applicant was one of the accused against whom a criminal case under Sec.54 of the Rajasthan Excise Act was registered and after trial the accused alongwith others was acquitted by giving benefit of doubt. He has also admitted that the prayer of Shri N.C.Ram was rejected.

6. We have given anxious consideration to the contention of the counsel for the parties and also perused the order passed in O.A No.457/96, N.C.Ram Vs. UOI & Ors decided on 12.11.99.

7. The case of the applicant is squarely covered by the order passed by this Tribunal in O.A No.457/96 decided on 12.11.99, N.C.Ram Vs. UOI & Ors, and in view of the decision given by this Tribunal in O.A No.457/96, N.C.Ram Vs. UOI & Ors, we do not find any merit in the O.A filed by the applicant and the same is liable to be dismissed.

8. We, therefore, dismiss the O.A with no order as to costs.

  
(N.P.Nawani)  
Member (A).

  
(S.F.Agarwal)  
Member (J).