

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

O.A. No. 191 /1997

Shri R. Chakrabarty

Applicant(s)

-VS-
Union of India & ORS

Respondant(s)

Mr. R. Dutta

Advocate for the Applicant(s)

Mr. J.L. Sarkar

Advocate for the Respondant(s)

Office Note

Date

Court Orders

3-9-97

Passover in in 29.

my order.

This application is in
form and within time

C. F. of Rs. 50/-

de. of Rs. 50/-

IPO CD No. FS/1714

Dated ... 12-8-97

By Registrar

YH

2d- Registrar

20/8/97

4.9.97

This application has been filed challenging the Annexure A/5 order dated 29.8.96 passed on behalf of the Divisional Railway Manager(C), Lumding treating the period of suspension as not on duty, in other words not as qualifying service and also Annexure A/7 order by which the pay of the applicant has been lowered.

Heard Mr R.Dutta, learned counsel appearing on behalf of the applicant and Mr J.L.Sarkar, learned counsel appearing on behalf of the Railway administration. Mr Dutta submits that though the applicant was charged for major penalty but ultimately, he was awarded a minor penalty. Therefore, the period of suspension should be treated as on duty but by the impugned order it was not treated as on duty. According to Mr Dutta as per Annexure A/4 recommendation of the Committee of the National

contd..

4.9.97 Council (JCM) the period of suspension is to be treated as duty and it was decided as follows :

"..... The Staff side of the Committee of the National Council set up to review the CCS (CC&A) Rules, 1965 had suggested that in cases where a Government servant, against whom an inquiry has been held for the imposition of the major penalty, is finally awarded only a minor penalty, the suspension should be considered unjustified and full pay and allowance paid for suspension period. Government have accepted this suggestion of the staff side. Accordingly, where departmental proceedings against a suspended employee for the imposition of a major penalty finally and with the imposition of minor penalty, the suspension can be said to be wholly unjustified in terms of FR(54-B)."

Mr Dutta further submits that lowering the pay scale of the applicant is also illegal. According to the learned counsel, being aggrieved the applicant preferred an appeal before the appellate authority which is still pending. Heard also Mr J.L.Sarkar. On hearing the counsel for the parties, we dispose of this application with a direction ^{to the Respondents} to dispose of the appeal as early as possible and at any rate within a period of one month from the date of receipt copy of this order. While disposing the appeal the contentions of the applicant ^{shall} also be considered. Till then there shall be no recovery of the amount.

Considering the entire facts and circumstances of the case we however, make no order as to costs.

Member

Vice-Chairman

9.9.97

Copy of The order has been sent to the D/Secy. for issuing the same to applicant alongwith the L/Advocate for the Respondents.

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