

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
Original Application No. 450 of 1998

Jabalpur, this the 4th day of July, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Shri Chotelal Sohi,
S/o Shri Kanshi Nath Soni,
aged about 43 years,
Labour - B, Token No. MT/65/63811

APPLICANT

(For Advocate - Shri S.P. Rai holding brief of
Smt. S. Menon)

VERSUS

1. Union of India, Ministry of Defence,
Through: The Secretary,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta - 700 001

2. The General Manager,
Ordnance Factory Khamaria.

RESPONDENTS

(By Advocate - Shri S.C. Sharma)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

By this Original Application the applicant
has claimed pay and allowances for the suspension period
from 05/11/1995 to 18/12/1997.

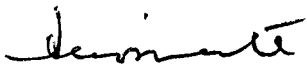
2. The facts relates that in connection with the
case under Section 307, 302 and 34 of I.P.C., the
applicant was arrested and detained in custody from
13th July 1995. Consequently he was placed under
suspension with effect from 13/07/1995. The criminal
case ended vide order dated 26/07/1997 of the Sessions
Court. After the acquittal of the applicant, the
applicant was directed to be reinstated and is still
working. The grievance is that the applicant has not
been paid the pay and allowances for the period of

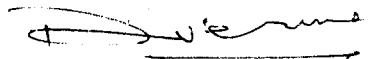
suspension.

3. On query the learned counsel for the respondents submitted that order in respect of the suspension period required under FR 54 has not ^{yet} been passed by the respondents. The learned counsel for the applicant submitted that as per the reply the respondents have not paid the pay and allowance because the applicant was acquitted of the charges on benefit of doubt which clearly shows that the acquittal is not on merit. Hence the respondents have denied the same. Even if that be so, it is for the respondents to consider and examine the facts of the present case after issuing a show cause as required under FR 54 and pass an appropriate order with respect to the said period. The learned counsel for the respondents has placed reliance on the decision of the Full Bench of this Tribunal in the case of Ram Kumar Yadav and another Vs. Union of India and another reported in Full Bench Judgments of Central Administrative Tribunal Volume III-Page 438. In the said case an order under FR 54 had already been passed. The learned counsel for the applicant has, on the other hand made reliance on the decision of the Madras High Court in the case of Union of India Vs. Jayaram, reported in AIR 1960 Madras 325 & on a decision of Punjab High Court in the case of Jagmohan Lal Vs. State, reported in AIR 1967 Punjab 422.

4. We however at this stage do not express any opinion on the various decisions cited at bar, as the respondents has not yet passed any order pursuance to

FR 54 though the respondents have passed the reinstatement order on 20/12/1997 (copy Annexure A/2). Consequently we dispose of this Original Application with a direction to the respondents to consider the facts and circumstances of the case and decisions cited at the bar and thereafter pass an appropriate order within a period of one month from the date of communication of this order. The decision so taken should be communicated to the applicant. The Original Application stands decided accordingly.


(ANAND KUMAR BHATT)
ADMINISTRATIVE MEMBER


(D.C. VERMA)
VICE CHAIRMAN (J)

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

य मिलिपि अग्रेजित:-

- (1) सचिव, उच्च न्यायालय नगर प्रशासन, जबलपुर
- (2) आर्. ए. डी/निर्देश/पु..... के कार्यालय
- (3) सचिवी प्रो/न्यायाधीश/पु..... के कार्यालय
- (4) कोषपाल, को.प्र.स., जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

जब. रजिस्ट्रार

Received
10/1/03

Smt. S. Menon
SC Sharma

Devi
10-7-03