

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 553 of 2000

Jabalpur, this the 22nd day of March, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

M.K. Patel, Aged about 42 years,  
S/o. Late Shri R.C. Patel, Section  
Supervisor, O/o. The Chief General  
Manager, Telecom Factory, Wright  
Town, Jabalpur.

... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

1. Union of India, Through the  
Secretary, Ministry of Communica-  
tions, Department of Telecom.  
Sanchar Bhavan, 20, Ashoka Road,  
New Delhi - 110 001.

2. Chief General Manager, Telecom.  
Factory, Wright Town,  
Jabalpur 480 002.

... Respondents

(By Advocate - Shri B.da.Silva)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has  
claimed the following main reliefs :

"(a) to quash the order dated 2nd January, 1998 and  
3rd April, 1998 marked as Annexure A-1 & A-3 respectively  
being arbitrary, unjustified & against the principles of  
natural justice.

(b) to direct that the entire period of suspension  
from 4.10.1988 to 9.2.90 be treated as duty for all  
purposes & consequent to above, to pay arrears of pay &  
allowances as admissible within a period of three months,

(c) to pay interest @ 12% on the arrears of pay &  
allowances up to the date of payment.

(d) hold, that the penalty of censure and fine of Rs.  
800/- imposed on the applicant is unjustified & the same  
should be refunded with interest @ 12%."

2. Heard the learned counsel for the parties and perused the  
records,

mk 3. The learned counsel for the parties agree that the

present case is covered in all fours by the decision of this Tribunal dated 7th January, 2004 passed in OA No. 298 of 2000, as the applicant of the present case and the applicant in the above referred case were involved in the same incident and were issued a similar charge sheet. The Tribunal vide order dated 7th January, 2004 in the aforesaid OA has passed the following order :

"3. Accordingly, the order dated 26th February, 1998 (Annexure A-2) is quashed and it is ordered to the respondents that they shall pay to the applicant full pay and allowances for the period of suspension i.e. from 5.10.1988 to 9.2.1990, treating the period as spent on duty within a period of three months from the date of receipt of copy of this order. If the payment is not made within the prescribed period of three months, the applicant shall be entitled for the interest at the rate of 9% per annum, for the delayed payment."

Since the present Original Application is fully covered in all fours with the aforesaid order dated 7th January, 2004 in OA No. 298 of 2000, for the reasons recorded in the said OA, this OA is allowed to the extent that the respondents shall pay to the applicant full pay and allowances for the period of suspension i.e. from 4.10.1988 to 9.2.1990, treating the period as spent on duty within a period of three months from the date of receipt of copy of this order. If the payment is not made within the prescribed period of three months, the applicant shall be entitled for the interest at the rate of 9% per annum, for the delayed payment. No costs.

(Maden Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

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प्रमाणित कि ओ/आ.....

- (1) प्रमाणित कि ओ/आ.....
- (2) प्रमाणित कि ओ/आ.....
- (3) प्रमाणित कि ओ/आ.....
- (4) प्रमाणित कि ओ/आ.....

S. K Nayyar  
B. Danilov

24/04

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