

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.2524/2016

Friday, this the 29th day of July 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Dr. A.S. Narayana Rao
3/77, First Floor
Old Rajendra Nagar
New Delhi-60
Aged 66 years

(Applicant in person)

..Applicant

Versus

1. Secretary (R)
Cabinet Secretariat
Room No.1001, B-2 Wing, 10th Floor
Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi-3

..Respondent

(Mr. Gyanendra Singh, Advocate for respondent No.1)

O R D E R (ORAL)

Justice Permod Kohli:

Issue notice to the respondent. Mr. Gyanendra Singh, learned standing counsel appears and accepts notice on behalf of respondent (Cabinet Secretariat).

2. The applicant was serving as Director in R&AW, a part of the Cabinet Secretariat. He was arrested by the Central Bureau of Investigation in February 2009 on the allegation of involvement in some corruption matter. He was placed under suspension vide order dated 25.02.2009, as he remained in police custody for more than 48 hours. The period of suspension was extended on account of the pendency of criminal

proceedings. The applicant retired from service on 31.10.2010 on attaining the age of superannuation. He was, however, paid the subsistence allowance initially @ 50% and thereafter it was enhanced twice. The criminal proceedings against the applicant resulted in his acquittal vide judgment dated 11.12.2015 in C.C. No.33/2012 – State through C.B.I. v. Dr. A.S. Narayana Rao. It is stated that no appeal has been preferred by the CBI thereafter till date.

3. The grievance of the applicant is that period of his suspension has not been treated as on duty on his acquittal, nor have his retiral benefits, including gratuity, been settled till date. It is under these circumstances that the present O.A. has been filed.

4. We find that the applicant has filed a representation (Annexure A-5). We feel that this petition should be disposed at the admission stage itself to enable the respondent to consider all the circumstances referred to hereinabove.

5. The O.A. is disposed of with direction to the respondent to examine the representation filed by the applicant and take final decision in respect to treating the period of suspension as also the payment of retiral benefits, etc., as projected in the representation, by a reasoned and speaking order, within a period of two months from the date of receipt of certified copy of the Order.

(K.N. Shrivastava)
Member (A)

July 29, 2016
/sunil/

(Justice Permod Kohli)
Chairman