

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

MA No.4388/2018

MA No.4389/2018

RA No.200/2018

OA No.3782/2013

Order Reserved on: 03.12.2018

Pronounced on: 06.12.2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

Hon'ble Mr. S.N. Terdal, Member (J)

Rekha Jain,
W/o Mr. Madhukar K. Rao Jena,
R/o A-2, 304 Rahul Residency,
Paud Road, Pune,
Presently at New Delhi.

-Original Applicant/Respondent in RA

(By Advocate Shri M.K. Bhardwaj)

Versus

1. Y.N. Chaturvedi,
Vice Chairman,
KVS, Shastri Bhawan,
New Delhi.
2. Santosh Kumar Mall,
Commissioner,
KVS 18, Institutional Area,
SJA Marg, New Delhi.

-Respondents in OA /Review Applicants

(By Advocate Shri S. Rajappa)

ORDER**Shri K.N.Shrivastava, Member (A):****MA No.4388/2018**

Through the medium of this MA, the review applicants have prayed for condonation of delay of three months and 24 days in filing RA No.200/2018 seeking review of the Tribunal's order dated 25.07.2017 in OA No.3782/2013. For the reasons stated in the MA, it is allowed. The aforementioned delay is condoned.

RA No.200/2018

Through the medium of this RA, the review applicants/respondents in OA have prayed for review of the Tribunal's order dated 18.05.2018 in CP No.56/2018 filed in OA No.3782/2013. The Tribunal vide its order dated 25.07.2017 in OA No.3782/2013 had directed the original respondents/review applicants to pay salary to the applicant for the period from 14.12.2009 to 02.07.2012 in accordance with FR-54. Since the said order was not implemented by the original respondents, the original applicant filed CP No.56/2018. When the CP came up for consideration on 18.05.2018 the Tribunal passed the following interlocutory order:

“Shri S. Rajappa, learned counsel for the respondents, has placed on record a copy of the order dated 12.04.2018 passed by the respondents in compliance of the order of this Tribunal. We have perused the same and the order has not been fully complied. Learned counsel for the respondents seeks four weeks’ time for reporting full compliance order. Prayer is allowed.

List on 01.08.2018.”

2. The review applicants have submitted that in terms of FR 54 (4) in the event of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority, the competent authority is required to issue a notice to the government servant regarding the quantum of amount to be paid to him/her towards pay and allowances for the period from the date of dismissal/removal/compulsory retirement to the date of reinstatement. Only after receipt of the representation of the government servant to the notice, the competent authority is required to pass final order and release the amount towards pay and allowances. The review applicants have stated that a Show Cause Notice (SCN) was issued to the applicant on 12.04.2018 which he has not replied and as a consequence thereof, the respondents have not been able to pass the final order, releasing the amount to the applicant.

3. During the course of the arguments, Shri S. Rajappa, learned counsel for the review applicants/original respondents reiterated the averments made in the RA.

4. *Per contra*, Shri M.K. Bhardwaj, learned counsel for the respondent in RA/original applicant submitted that the order of the Tribunal dated 25.07.2017 is crystal clear. The original respondents are required to compute the pay and allowances payable to the applicant for the relevant period and release the same to him which they have not done and consequently the original applicant was constrained to file CP No.56/2018.

5. The order of the Tribunal dated 25.07.2017 is unambiguous as to the entitlement of the applicant for receipt of his pay and allowances from the date of his dismissal to the date of his reinstatement, i.e., from 14.12.2009 to 02.07.2012. The original respondents/review applicants were required to compute the pay and allowances for the said period considering as if the original applicant was in service.

6. Shri Rajappa, learned counsel for review applicants/ original respondents submitted that if a clarification is furnished, the respondents shall take necessary action to release the pay and allowances for the said period to the original applicant.

7. In view of the above, we clarify that the review applicants/original respondents are required to pay salary and allowances to the original applicant from 14.12.2009 to 02.07.2012 considering as if he had continued in service during the said period. They should accordingly calculate the amount payable to him and release the same within a period of four weeks from the date of receipt of a certified copy of this order.

8. With the above observations, this RA stands disposed of.

9. In view of the disposal of the RA, MA No.4389/2018 in this RA also stands disposed of.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

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