

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No.O.A.350/00339/2014

Date of order : 09.05.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

TARUN KUMAR BALA

VS.

UNION OF INDIA & ORS.
(S.E. RAILWAY)

For the applicant : Mr. G. Chaudhury, counsel
Mr. A. Guha, counsel

For the respondents : Mr. B.L. Gangopadhyay, counsel

ORDER

Per Justice V.C. Gupta, J.M.

Heard Id. counsel for the applicant and Id. counsel for the respondents.

2. The applicant in this O.A. has sought for the following reliefs:-

"a) An order quashing and setting aside the portion of the impugned order dated 4.7.13 which is Annexure "A-5" to this application by which the period of absence that is the date of compulsory retirement till the date of reinstatement treated as dies non and further directing the said respondents to treat the said period as spent on duty and to pay the applicant all arrears of salaries and allowances and all other consequential service benefits;

b) Issuance of any other order or orders and/or direction as this Hon'ble Tribunal may deem fit and proper."

2. The short question that arises for consideration before this court is, whether after setting aside the punishment order of compulsory retirement by competent court, the authorities can pass order treating the period spent by the applicant after compulsory retirement to the date of his reinstatement as 'dies non'.

3. Id. counsel for the respondents fairly conceded that the order of 'dies non' is not in accordance with law and the proper stage for passing such order permissible under the law is only after awarding punishment and not earlier to it.

4. In view of the above, the O.A. succeeds in view of the reliefs claimed in the O.A. Liberty is given to the respondents to pass an appropriate order after conclusion of the enquiry in accordance with law.

(Jaya Das Gupta)
Administrative Member

(Justice V.C. Gupta)
Judicial Member

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