



**Central Administrative Tribunal  
Principal Bench**

**O.A. No. 162/2016**

**This the 27<sup>th</sup> day of November, 2019**

**Hon'ble Mr. R.N. Singh, Member (J)  
Hon'ble Ms. Aradhana Johri, Member (A)**

Jorawar Singh  
Inspector in Delhi Police  
PIS No. 16850007  
Aged about 54 years  
S/o Sh. B. S. Yadav  
R/o 338, PC Ashok Vihar,  
Delhi-52.

...Applicant

(By Advocate: Sh. Anil Singal)

**VERSUS**

1. Govt. of NCT of Delhi  
Through Commissioner of Police,  
PHQ, IP Estate, New Delhi.
2. DCP (PCR)  
Through Commissioner of Police,  
PHQ, IP Estate, New Delhi.

...Respondents

(By Advocate: Sh. Vijay Kumar Pandita)

**ORDER (Oral)**

**Hon'ble Mr. R.N. Singh, Member (J):**

The applicant, who is working as Inspector under the respondents, has filed the present original application u/s 19 of the AT Act, 1985, seeking the following reliefs:-



*“In view of the above mentioned facts and grounds stated in foregoing Paragraphs, the Applicant respectfully prays that this Hon’ble Tribunal be graciously pleased:-*

*1. To quash and set aside the Order dt. 17.11.2014 & Order dt. 1.7.2015 and direct the respondents to grant the Consequential benefits like Washing Allowance, Conveyance Allowance, and Special pay of one month’s salary (one month’s extra Pay) etc. and also interest @ 18% per annum from the date when the payments became due till the date the actual payment was/is made, arising out of Order dt. 8.3.2011.*

*2. To award costs in favor of the applicant and*

*3. To pass any order or orders, which this Hon’ble Tribunal may deem just & equitable in the facts & circumstances of the case.”*

2. Learned counsel for applicant submits that the applicant was proceeded in the criminal case in FIR No. 46/99 u/s 7/13 of Prevention of Corruption Act (in short, POC Act), PS-AC Branch, New Delhi and the Disciplinary Enquiry was also initiated against him. However, it was kept in abeyance till final stage of the aforesaid criminal case FIR. Subsequently, the applicant is stated to have been acquitted by the learned court of competent jurisdiction vide judgment dated 28.08.2010 and on his being so acquitted, the disciplinary case, kept in abeyance, is stated to have been dropped or withdrawn.

3. Learned counsel for the applicant submits that in view of such acquittal from the aforesaid criminal case



FIR coupled with withdrawal of disciplinary proceedings against him, the applicant has become entitled for grant of consequential benefits like Washing Allowance, Conveyance Allowance and Special Pay of one month's salary (one month's extra Pay), etc. and also interest thereon on such payments.

4. Learned counsel for the applicant submits that the respondents were duty bound to extend the consequential benefits at their end. In spite of the representation to the respondents, they have refused to grant such benefits and have passed the impugned order dated 17.11.2014 (Annexure A-1) without application of mind in as much as such claim of the applicant is squarely covered by the order/judgment dated 18.02.2015 of this Tribunal in OA No. 3059/2014 titled *S. B. Yadav vs. Govt. of NCT of Delhi & Anr.* and another judgment of this Tribunal dated 08.04.2015 in OA No. 4010/2015 titled *Ashok Kumar vs. Govt. of NCT of Delhi & Anr.*, which have attained finality in as much as these judgments have been implemented by the respondents.

5. In response to notice issued by this Tribunal, respondents have filed their reply.



6. Respondents vehemently opposed the claim made by the applicant through their learned counsel, who invited our attention to para 5.2 and 5.3 of the reply filed by the respondents. In such paragraphs, the respondents have stated that Washing Allowance is paid to Group C & D employees, who are supplied uniform and wear uniform on duty. During suspension, the applicant has not to wear the uniform and as such he is not entitled for Washing Allowance for the period he remained under suspension. Similarly, he is not entitled for the grant of Conveyance Allowance as he did not travel extensively at or within a short distance from his Headquarters during the period of suspension. He further submits that the applicant is not entitled for any compensatory pay as he is not working for long hours during the suspension period. He also submits that as the applicant is not entitled to the aforesaid benefits, the question of his being entitled for interest does not arise.

6. Heard the learned counsels for the parties. We have also perused the pleadings on record as well as two judgments of the Tribunal, referred and relied upon by the learned counsel for the applicant.



7. In the case of *S. B. Yadav (supra)*, the issue involved was whether during the period of suspension, the applicant, therein, who was also working as Inspector, was entitled to benefit of Washing Allowance and Conveyance Allowance and Special Pay and the Tribunal considered the identical objection of the respondents.

This Tribunal by following its common judgment dated 11.08.2005 in OA No. 2342/2004 titled *Kunwar Pal Singh Vs. Govt. of NCT of Delhi and Ors.* and various judgments of Hon'ble Apex Court, allowed the claim of the applicant therein and passed the following orders:-

*"It is not the case of the respondents that the period during which the applicant remained under suspension has not been treated as spent by him on duty. We do not find any reason to take a view different from the view taken by this Tribunal in aforementioned case. In the circumstances, the OA is disposed of with direction to respondents to accord the applicant benefits of washing allowance, conveyance allowance and special pay admissible to him for the period during which he remained under suspension. No costs."*

Similarly in *Ashok Kumar (supra)*, the challenge made by the applicant was to the rejection of his claim for grant of consequential benefits such as Washing Allowance and Conveyance Allowance and Special Pay of one month's salary. This Tribunal following its



earlier judgments including the judgment in *Kunwar Pal Singh (supra)* and the judgment of Hon'ble High Court and after considering the identical objection from the respondents, allowed the OA and passed the following orders:-

*"14. We are of the view that the facts and grounds being similar in the present OA to that of OA-2342/2004 decided by the judgment dated 11.8.2005 and OA-3059/2014 decided on 18.2.2015, the applicant shall be entitled to the same benefits as have been granted in the aforementioned two judgments in the matter of payment of washing allowance, conveyance allowance and special pay admissible to him for the period under which he remained under suspension which was finally decided by the respondents as period spent on duty. The respondents shall accord the aforementioned benefits within a period of six weeks from the date of receipt of a copy of this order.*

*15. OA is allowed with aforementioned directions. No order as to costs."*

8. We are of the considered view that once identically placed persons have been declared entitled for the benefits as being claimed by the applicant before this Tribunal in various cases, a few of which have been referred herein above and such judgments of the Tribunal have attained finality in as much as the respondents have implemented the directions in such judgments, there is no reason or justification for the respondents to reject the claim of the applicant.



9. In view of the aforesaid, impugned orders dated 17.11.2014 (Annexure A-1) and 01.07.2015 (Annexure A-2) are quashed and set aside. Respondents are directed to accord the benefits such as washing allowance and conveyance allowance and special pay as admissible to the applicant for the period he remained under suspension as has been done in the case of *S. B. Yadav (supra)* and *Ashok Kumar (supra)*. Respondents are directed to comply with such directions within eight weeks from the date of receipt of a certified copy of this order.

10. OA disposed of in the aforesaid terms.

11. No order as to costs.

**(Aradhana Johri)**  
**Member (A)**

**(R.N. Singh)**  
**Member (J)**

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