

*THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE N.BALAYOGI*

WRIT PETITION No.6627 of 2015

ORDER: (per SK,J)

The Union of India and its officials in the Postal Department filed this writ petition aggrieved by the order dated 04.02.2015 passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.677 of 2014. By the said order, the Tribunal directed the authorities to revoke the suspension of the first respondent herein and reinstate him in service with effect from 29.11.2013, being the date on which the initial suspension for 90 days expired, with all consequential benefits.

By order dated 01.09.2015, this Court stayed the operation of the order passed by the Tribunal insofar as it granted all consequential benefits upon reinstatement of the first respondent.

We are informed that the first respondent was reinstated in service w.e.f. 29.11.2013 and that disciplinary proceedings initiated against him are still pending. We are further informed that though this Court, vide the interim order dated 01.09.2015, observed that the authorities should complete the disciplinary proceedings as expeditiously as possible, the first respondent himself secured stay of the disciplinary proceedings in a separate case and the said stay is operating as on date. That being so, the first respondent would necessarily have to await the conclusion of the disciplinary proceedings before he can seek the consequential benefits granted by the Tribunal.

We accordingly hold that the first respondent would be entitled to consequential benefits in terms of the order passed by the Tribunal only upon culmination of the disciplinary proceedings one way or the other.

Further, it would be within the domain of the authorities to deal with the period of suspension undergone by the first respondent while passing final orders in the disciplinary proceedings. That liberty cannot be restricted at this stage.

Leaving it open to the authorities to take appropriate action in the matter after conclusion of the disciplinary proceedings, the writ petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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JUSTICE SANJAY KUMAR

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JUSTICE N.BALAYOGI

Date:03.04.2017  
GJ

